



**Environmental Services Agency
Zoning Hearing Officer**

County Office Building
455 County Center
Redwood City, California 94063
(650) 363-1862

Notice of Public Hearing

Thursday, December 7, 2006

10:00 a.m.

Room 101, First Floor

455 County Center, Redwood City

Zoning Hearing Officer meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the Zoning Hearing Officer Secretary at least five (5) working days before the meeting at 650/363-1862, Facsimile 650/363-4849 or e-mail jakenney@co.sanmateo.ca.us. Notification in advance of the meeting will enable the Secretary to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

All interested parties who wish to speak will have the opportunity at the hearing. To do so:

- ◆ Please fill out a slip giving your name and address.
- ◆ Hand this slip to the Zoning Hearing Officer Secretary.
- ◆ After recognition from the Zoning Hearing Officer, please walk to the lectern and state your name and address.

The Zoning Hearing Officer agenda is divided into two parts: The consent agenda and the regular agenda. If the Zoning Hearing Officer or a member of the public wishes specifically to hear an item on the consent agenda, the Zoning Hearing Officer will refer that item to the regular agenda for hearing. **If a member of the public wishes that an item on the consent agenda be referred to the regular agenda, please submit a speaker's slip to the Zoning Hearing Secretary before the meeting begins. Otherwise, consent agenda items will be considered as a group.**

All decisions of the Zoning Hearing Officer are appealable to the Planning Commission for a fee of \$473.55. The appeal period is ten (10) working days, as determined by the zoning regulations to the applicable project. The appeal period for each project will be stipulated at the public hearing and in the project's decision letter. Appeal forms are available at the Planning Division office, address shown below.

Pursuant to State law, if you challenge, in court, a planning permit application, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

ZONING HEARING OFFICER AGENDA

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December 7, 2006

For further information on any agenda item listed below, please contact the Project Planner at the indicated telephone number following each item. Letters to the Project Planners should be addressed: County of San Mateo, Planning & Building Division, 455 County Center, 2nd Floor. Mail Drop PLN122, Redwood City, CA 94063.

- ◆ To receive the agenda, send an e-mail to join-zho-agenda@listserver.co.sanmateo.ca.us or contact Judy Kenney at 650/363-1862.
- ◆ To view the agenda, please visit our website at www.co.sanmateo.ca.us/planning

Please Note: All materials (including but not limited to models, pictures, videos, etc.) presented by any person speaking on any item on the agenda are considered part of the administrative record for that item, and must be retained by the Zoning Hearing Officer Secretary until such time as all administrative appeals are exhausted and the time for legal challenge to a decision on the item has passed. If you wish to retain the original of an item, a legible copy must be left with the Zoning Hearing Officer Secretary. The original or a computer generated copy of a photograph must be submitted. Five (5) copies of written material should be provided so that the Zoning Hearing Officer, staff and other interested parties will have copies to review.

AGENDA

1. **Pledge of Allegiance**
2. **Oral Communications** to allow the public to address the Zoning Hearing Officer on any matter not on the agenda. If your subject is not on the agenda, the Zoning Hearing Officer will recognize you at this time. *Speakers are customarily limited to five minutes.* A speaker's slip is required.

CONSENT AGENDA

3. **Owner:** Curtis Brooks
Applicant: Sprint/Nextel
File No.: PLN2000-00497
Location: 1175 Palomar Drive, Palomar Park
Assessor's Parcel No.: 051-416-040

Consideration of a Use Permit Renewal, pursuant to Section 6500 of the County Zoning Regulations, to allow the continued operation of a cellular communications facility consisting of two 13-foot-tall monopoles and one equipment enclosure measuring 18 ft. by 15 ft. located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. Application filed March 13, 2006. PROJECT PLANNER: Jennifer Cutler, MHA Environmental Consulting, Inc. Telephone: 650/ 373-1200. PROJECT MANAGER: Michael Schaller, Senior Planner. Telephone: 650/363-1849.

AR 0505

ZONING HEARING OFFICER AGENDA

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December 7, 2006

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4. **Owner:** Curtis Brooks
Applicant: Metro PCS
File No.: PLN2005-00261
Location: 1175 Palomar Drive, Palomar Park
Assessor's Parcel No.: 051-416-040

Consideration of a Use Permit, pursuant to Section 6500 of the County Zoning Regulations, to allow the construction of a cellular communications facility consisting of three panel antennas mounted on two 15 ft. tall monopoles and one equipment enclosure measuring 10 ft. by 14 ft., located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. Application filed June 8, 2005. PROJECT PLANNER: Jennifer Cutler, MHA Environmental Consulting, Inc. Telephone: 650/ 373-1200. PROJECT MANAGER: Michael Schaller, Senior Planner. Telephone: 650/363-1849.

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5. **Owner:** Curtis Brooks
Applicant: Verizon Wireless
File No.: PLN2005-00306
Location: 1175 Palomar Drive, Palomar Park
Assessor's Parcel No.: 051-416-040

Consideration of a Use Permit, pursuant to Section 6500 of the County Zoning Regulations, to allow the construction of a cellular communications facility consisting of three panel antennas mounted on two 17 ft. tall poles and one 25 ft. tall pole (an existing Sprint antenna is proposed to be relocated to this pole) and an equipment enclosure measuring 10.5 ft. by 15 ft., located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. Application filed June 29, 2005. PROJECT PLANNER: Jennifer Cutler, MHA Environmental Consulting, Inc. Telephone: 650/ 373-1200. PROJECT MANAGER: Michael Schaller, Senior Planner. Telephone: 650/363-1849.

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6. **Owner:** Dorothy Frank
Applicant: Joe Polati
File No.: PLN2005-00364
Location: 932 Far Creek Way, Redwood City
Assessor's Parcel No.: 068-194-140

Consideration of a Minor Subdivision, pursuant to the County Subdivision Ordinance Section 7010 and the State Subdivision Map Act, to subdivide an existing 2.65-acre parcel into two parcels located at 932 Far Creek Way, in the unincorporated Emerald Lake Hills area of San Mateo County. This item was continued from the October 19, 2006, Zoning Hearing Officer meeting to a date uncertain. Application filed August 2, 2005. PROJECT PLANNER: James Castaneda. Telephone: 650/363-1853.

AR 0506

ZONING HEARING OFFICER AGENDA

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December 7, 2006

REGULAR AGENDA

7. **Owner:** Richard Ross
Applicant: Metro PCS
File No.: PLN2005-00327
Location: 3618 Alameda de las Pulgas, West Menlo Park
Assessor's Parcel No.: 074-083-270

Consideration of a Use Permit, pursuant to Section 6500 of the County Zoning Regulations, to allow the placement of a proposed wireless communications facility consisting of a micro accelerator antenna on the roof of an existing apartment building and associated equipment within a fenced enclosure at ground level located at 3618 Alameda de las Pulgas in the unincorporated West Menlo Park area of San Mateo County. This item was continued from the October 19, 2006 and November 2, 2006, Zoning Hearing Officer meetings. Application filed July 14, 2005. PROJECT PLANNER: Kevin Guy, LSA Associates. Telephone: 650/ 985-2590. PROJECT MANAGER: Lisa Aozasa, Senior Planner. Telephone: 650/363-4852.

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8. **Owner/Applicant:** Shawn Jones
File No.: PLN2006-00157
Location: 11 West Summit Drive, Redwood City
Assessor's Parcel No.: 057-123-160

Consideration of a Use Permit and Bayside Design Review application, pursuant to Sections 6137 and 6565.3 of the San Mateo County Zoning Regulations, respectively, to allow the following: 1) construction of a 578 sq. ft. addition to an existing 2,484 sq. ft. single family structure; 2) 5 ft. left side setback where 7.5 ft. is the minimum allowed; 3) 14 ft. 9 in. total combined setback where 20 ft. is the minimum allowed; 4) 32.4% lot coverage where 25% is the maximum allowed; and 5) 32.4% Floor Area Ratio (FAR) where 30% is the maximum allowed. Also included is the expansion of the existing 264 sq. ft. one-car garage to a 504 sq. ft. two-car garage, for compliance with the parking requirements pursuant to Section 6119 of the San Mateo County Zoning Regulations. No trees are proposed for removal. The project site is located at 11 West Summit Drive in the unincorporated Emerald Lake Hills area of San Mateo County. Application filed April 12, 2006. PROJECT PLANNER: Dennis Aguirre. Telephone: 650/ 363-1867.

Agenda items published in the San Mateo Times on November 25, 2006.

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AR 0507



**Planning & Building Department
Zoning Hearing Officer**

County Office Building
455 County Center
Redwood City, California 94063
(650) 363-1862

Notice of Public Hearing

REVISED

Thursday, January 18, 2007

10:00 a.m.

Room 101, First Floor

455 County Center, Redwood City

Zoning Hearing Officer meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the Zoning Hearing Officer Secretary at least five (5) working days before the meeting at 650/363-1862, Facsimile 650/363-4849 or e-mail jakenney@co.sanmateo.ca.us. Notification in advance of the meeting will enable the Secretary to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

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Pursuant to State law, if you challenge, in court, a planning permit application, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

AR 0508

ZONING HEARING OFFICER AGENDA

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January 18, 2007

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AGENDA

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CONSENT AGENDA

3. **Owner/Applicant:** Erik Reid
File No.: PLN2006-00277
Location: 2066 Sterling Avenue, West Menlo Park
Assessor's Parcel No.: 074-061-090

Consideration of a Use Permit and Tandem Parking Exception, pursuant to Sections 6500 and 6428.3 of the County Zoning Regulations, for legalization of an existing, non-conforming Second Dwelling Unit and to allow a 3.73-foot rear setback (where a minimum of 20-feet is required), a 4.05-foot side setback (where a minimum of 5-feet is required), a 9.79-foot distance between the main house and the second dwelling unit (where a minimum of 15-feet is required), a 12.97-foot wide permanent unobstructed passageway to the unit (where a minimum of 15-feet is required), and one tandem parking space (where a minimum of 1 free-and clear parking space is required), on a parcel located at 2066 Sterling Avenue in the unincorporated West Menlo Park area of San Mateo County. Application filed June 28, 2006. PROJECT PLANNER: Camille Leung. Telephone: 650/363-1826.

AR 0509

ZONING HEARING OFFICER AGENDA

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January 18, 2007

REGULAR AGENDA

4. **Owner:** Curtis Brooks
Applicant: Sprint/Nextel
File No.: PLN2000-00497
Location: 1175 Palomar Drive, Palomar Park
Assessor's Parcel No.: 051-416-040

Consideration of a Use Permit Renewal, pursuant to Section 6500 of the County Zoning Regulations, to allow the continued operation of a cellular communications facility consisting of two 13-foot-tall monopoles and one equipment enclosure measuring 18 ft. by 15 ft. located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. This item was continued from the December 7, 2006 and January 4, 2007, Zoning Hearing Officer meetings. Application filed March 13, 2006. PROJECT PLANNER: Jennifer Cutler, MHA Environmental Consulting, Inc. Telephone: 650/ 373-1200. PROJECT MANAGER: Michael Schaller, Senior Planner. Telephone: 650/363-1849.

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5. **Owner:** Richard Ross
Applicant: Metro PCS
File No.: PLN2005-00327
Location: 3618 Alameda de las Pulgas, West Menlo Park
Assessor's Parcel No.: 074-083-270

Consideration of a Use Permit, pursuant to Section 6500 of the County Zoning Regulations, to allow the placement of a proposed wireless communications facility consisting of a micro accelerator antenna on the roof of an existing apartment building and associated equipment within a fenced enclosure at ground level located at 3618 Alameda de las Pulgas in the unincorporated West Menlo Park area of San Mateo County. This item was continued from the October 19, 2006, November 2, 2006, December 7, 2006, December 21, 2006, and January 4, 2007, Zoning Hearing Officer meetings. Application filed July 14, 2005. PROJECT PLANNER: Kevin Guy, LSA Associates. Telephone: 650/ 985-2590. PROJECT MANAGER: Lisa Aozasa, Senior Planner. Telephone: 650/363-4852.

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6. **Owner/Applicant:** Ignacio and Trinidad Del Rio
File No.: PLN2006-00137
Location: 1764 W. Selby Lane, Redwood City
Assessor's Parcel No.: 069-351-110

Consideration of a Minor Subdivision, pursuant to Section 7010 of the San Mateo County Subdivision Regulations and the State Subdivision Map Act, to subdivide an existing 18,892 sq. ft. parcel into two (2) parcels at 1764 W. Selby Lane, in the unincorporated Sequoia Tract area of San Mateo County. The existing two-story, single-family dwelling unit currently located on the subject parcel will remain on one of the proposed parcels. Application filed March 29, 2006. PROJECT PLANNER: Dennis Aguirre. Telephone: 650/363-1867.

AR 0510

ZONING HEARING OFFICER AGENDA

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January 18, 2007

Agenda items published in the San Mateo Times on January 6, 2007 and the Half Moon Bay Review on January 10, 2007.

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AR 0511



Planning & Building Department Planning Commission

William Wong, 1st District
David Bomberger, 2nd District
Jon Silver, 3rd District
Gail Slocum, 4th District
Steve Dworetzky, 5th District

County Office Building
455 County Center
Redwood City, California 94063
(650) 363-1859

Notice of Public Hearing

SAN MATEO COUNTY PLANNING COMMISSION
MEETING NO. 1460

**Wednesday, May 9, 2007
9:00 a.m.
Board of Supervisors Chambers
400 County Center, Redwood City**

Planning Commission meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting; or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact the Planning Commission Secretary at least five (5) working days before the meeting at 650/363-1859, Facsimile 650/363-4849 or e-mail rfernandez@co.sanmateo.ca.us. Notification in advance of the meeting will enable the Secretary to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.

SPEAKING AT THE PUBLIC HEARING:

All parties wishing to speak will have an opportunity to do so after filling out a speaker's slip and depositing it in the speaker's slip box. The Commission has established time limits for speakers, allowing 15 minutes for the applicant and appellant, if any, and 5 minutes for all others. These time limits may be modified by the Commission's Chairperson in order to accommodate all speakers.

CORRESPONDENCE TO THE COMMISSION:

Letters to the Commission should be addressed: Planning Commission, County Government Center, 455 County Center, 2nd Floor, Mail Drop PLN122, Redwood City, CA 94063. The Commission e-mail address is planning-commission@co.sanmateo.ca.us. The Commission Secretary can be reached at 650/363-1859, Facsimile 650/363-4849. *It is preferred that your letters be received at least five (5) days prior to the scheduled hearing to allow sufficient time for your comments and concerns to be considered by the Commission.*

RETENTION OF MATERIALS PRESENTED AT HEARING:

All materials (including but not limited to models and pictures) presented by any person speaking on any item on the agenda are considered part of the administrative record for that item, and must be retained by the Commission Secretary until such time as all administrative appeals are exhausted and the time for legal challenge to a decision on the item has passed. If you wish to retain the original of an item, a legible copy must be left with the Commission Secretary. The original or a computer generated copy of a photograph must be submitted. Fifteen (15) copies of written material should be provided so that each Commission member, staff and other interested parties will have copies to review.

AR 0512

PLANNING COMMISSION AGENDA

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May 9, 2007

DECISIONS AND APPEALS PROCESS:

Decisions made by the Planning Commission are appealable to the Board of Supervisors. The appeal fee is \$451. Appeals must be filed no later than ten (10) business days following the hearing at the San Mateo County Planning Counter located at 455 County Center, 2nd Floor, Redwood City.

AGENDAS ON LINE:

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join-pc-agenda@listserver.co.sanmateo.ca.us.

For further information on any item listed below, please phone the Project Planner indicated.

AGENDA

1. **Pledge of Allegiance**

2. **Roll Call:**

Commissioners: Bomberger, Dworetzky, Silver, Slocum, Wong
Staff: Grote, Raftery, Ekers

3. **Oral Communications** to allow the public to address the Commission on any matter not on the agenda. If your subject is not on the agenda, the Chair will recognize you at this time. *Speakers are customarily limited to five minutes.* A speaker's slip is required.

4. **Consideration of the Minutes** of the Planning Commission meeting of March 28, 2007 and April 11, 2007.

CONSENT AGENDA

9:00 a.m.

Consent items are considered and voted on by the Planning Commission at the beginning of the regular session. If a member of the Commission wishes specifically to hear a consent item, or a member of the public wishes to speak on a consent item, the Commission will remove the item to the Regular Agenda for hearing. If you wish to address the Commission on a consent item, please be sure to submit a speaker's slip to the Commission Secretary before the meeting begins. Otherwise, the action of the Commission will be to approve consent items as a group in accordance with the staff recommendation on each item.

5. **Owner:** California Golf Club
Applicant: Dennis Mahoney
File No.: PLN2006-00517
Location: 844 Orange Avenue, South San Francisco
Assessor's Parcel No.: 013-250-080

Consideration of a Use Permit Renewal/Amendment, Grading Permit and Tree Removal Permit, pursuant to Section 6500 of the County Zoning Regulations and Sections 8602.1 and 12,020 of the County Ordinance Code, respectively, for renovations that include grading and tree removal at the California Golf Course located at 844 Orange Avenue in the unincorporated South San Francisco area of San Mateo County. Application filed December 12, 2006. PROJECT PLANNER: Pete Bentley. Telephone: 650/363-1821.

END OF THE- CONSENT AGENDA

AR 0513

PLANNING COMMISSION AGENDA

- 3 -

May 9, 2007

REGULAR AGENDA**9:00 a.m.**

6. **Owner:** Curtis Brooks
Applicant: Sprint Spectrum
Appellant: Palomar Property Owners (Richard Landi, President)
File No.: PLN2000-00497
Location: 1175 Palomar Drive, Palomar Park
Assessor's Parcel No.: 051-416-040

Consideration of a Use Permit renewal, pursuant to Section 6500 of the County Zoning Regulations, to allow the continued operation of a cellular communications facility consisting of two 13-foot-tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. (Appeal from decision of the Zoning Hearing Officer to approve this renewal.). Application filed February 23, 2006. PROJECT PLANNER: Michael Schaller. Telephone: 650/363-1849

10:00 a.m.

7. **Owner:** Debra Christoffers
Applicant: Jon Jong
File No.: PLN2005-00192
Location: 10721 Cabrillo Highway
Assessor's Parcel No.: 086-211-140

Consideration of a Coastal Development Permit and Resource Management Coastal Zone Permit, pursuant to Sections 6328.4 and 6911 of the San Mateo County Zoning Regulations respectively, an Architectural Review Permit, pursuant to the State Highways Code, and a Mitigated Negative Declaration to construct a new single family dwelling with an attached garage and a detached, 960 sq. ft. stable, at 10721 Cabrillo Highway in the unincorporated Bean Hollow area of San Mateo County. This project is appealable to the California Coastal Commission. PROJECT PLANNER: Michael Schaller. Telephone: 650-363-1849

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8. **Resolution commending Jon Silver**
9. **Correspondence and Other Matters**
10. **Consideration of Study Session for Next Meeting**
11. **Director's Report**
12. **Adjournment**
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Agenda items published in the San Mateo County Times on April 28, 2007.

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AR 0514



Planning & Building Department Planning Commission

William Wong, 1st District
David Bomberger, 2nd District
Jon Silver, 3rd District
Gail Slocum, 4th District
Steve Dworetzky, 5th District

County Office Building
455 County Center
Redwood City, California 94063
(650) 363-1859

Notice of Public Hearing

SAN MATEO COUNTY PLANNING COMMISSION MEETING NO. 1462

**Wednesday, June 13, 2007
9:00 a.m.
Board of Supervisors Chambers
400 County Center, Redwood City**

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SPEAKING AT THE PUBLIC HEARING:

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AR 0515

PLANNING COMMISSION AGENDA

- 2 -

June 13, 2007

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IF THERE IS AN ITEM SHADED ON THE AGENDA BELOW, IT IS WITHIN A 300-FOOT RADIUS OF YOUR PROPERTY, AND A PROJECT LOCATION MAP IS ATTACHED. MAPS FOR ALL ITEMS ON THIS AGENDA ARE AVAILABLE UPON REQUEST BY CONTACTING THE PLANNING COMMISSION SECRETARY AT 650-363-1859 OR VISITING OUR WEBSITE AT www.co.sanmateo.ca.us/planning

AGENDA

1. **Pledge of Allegiance**
2. **Roll Call:**
 Commissioners: Bomberger, Dworetzky, Silver, Slocum, Wong
 Staff: Grote, Raftery, Ekers
3. **Oral Communications** to allow the public to address the Commission on any matter not on the agenda. If your subject is not on the agenda, the Chair will recognize you at this time. *Speakers are customarily limited to five minutes.* A speaker's slip is required.
4. **Consideration of the Minutes** of the Planning Commission meeting of March 28, 2007, April 11, May 9 and May 23, 2007.

REGULAR AGENDA**9:00 a.m.**

5. **Owner:** Curtis Brooks
Applicant: Sprint Spectrum
Appellant: Palomar Property Owners (Richard Landi, President)
File No.: PLN2000-00497
Location: 1175 Palomar Drive, Palomar Park
Assessor's Parcel No.: 051-416-040

Consideration of findings for the denial of a Use Permit renewal, pursuant to Section 6500 of the San Mateo County Zoning Regulations, such that the application for the continued operation of a cellular communications facility consisting of two 13-foot-tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County would be denied. Application filed February 23, 2006. PROJECT PLANNER: Michael Schaller. Telephone: 650/363-1849

AR 0516

REGULAR AGENDA

9:30 a.m.

6. **Owner:** TomKat Ranch, LLC
Applicant: Kerry Burke
File No.: PLN2006-00171
Location: 2997 Pescadero Creek Road, Pescadero
Assessor's Parcel No.: 087-110-010, -020; 087-130-020,-030

Consideration of a Coastal Development Permit (CDP), pursuant to Section 6328 of the County Zoning Regulations, to: (1) authorize the construction of a permanent bridge over a destroyed culvert (previously approved with an Emergency CDP), and (2) replace two existing pedestrian bridges across Honsinger Creek, located at 2997 Pescadero Creek Road in the unincorporated Pescadero area of San Mateo County. This project is appealable to the California Coastal Commission. Application filed April 19, 2006. PROJECT PLANNER: Dave Holbrook. Telephone: 650/363-1837.

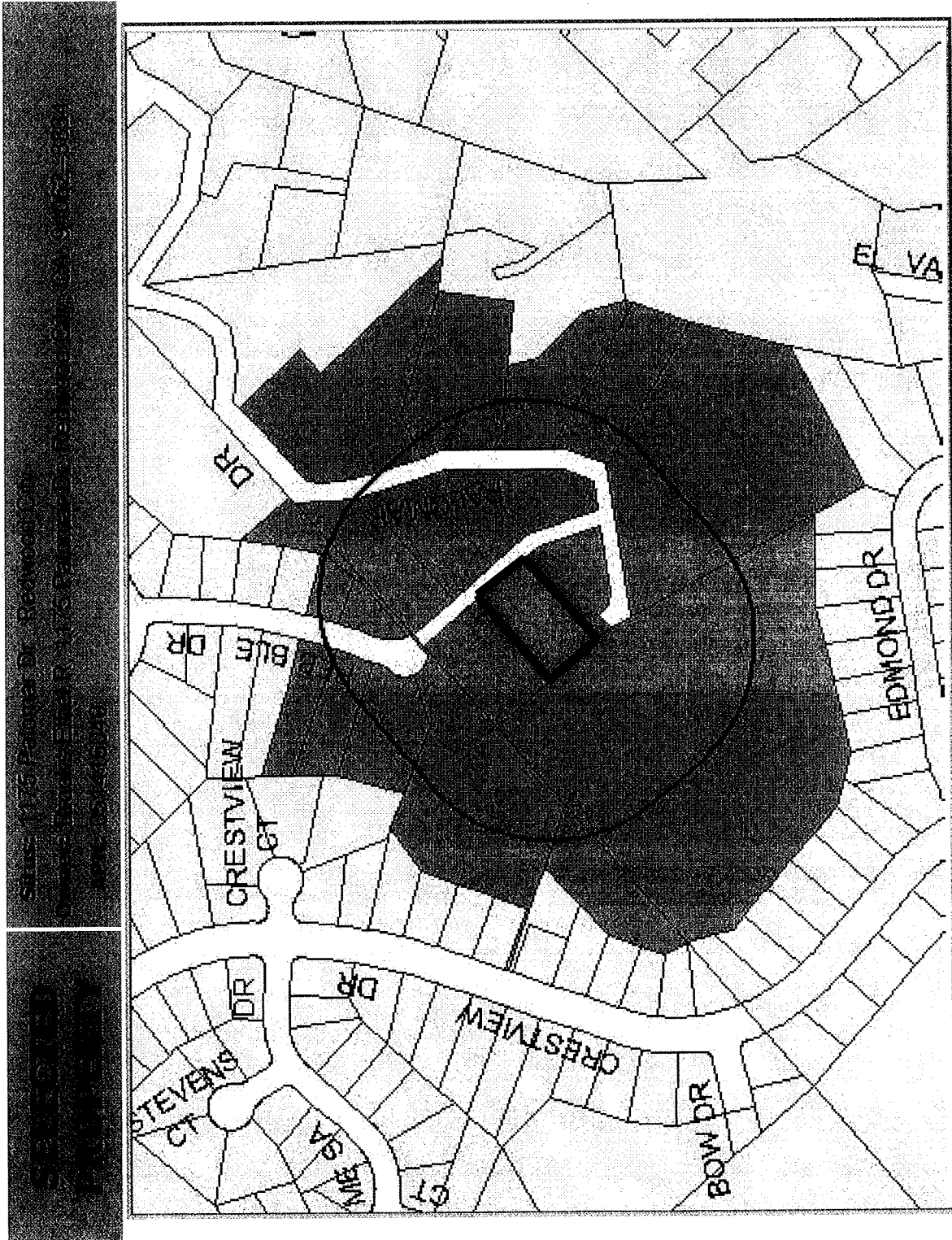
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7. **Correspondence and Other Matters**
8. **Consideration of Study Session for Next Meeting**
9. **Director's Report**
10. **Adjournment**
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Agenda items published in the San Mateo County Times on June 2, 2007.

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AR 0517

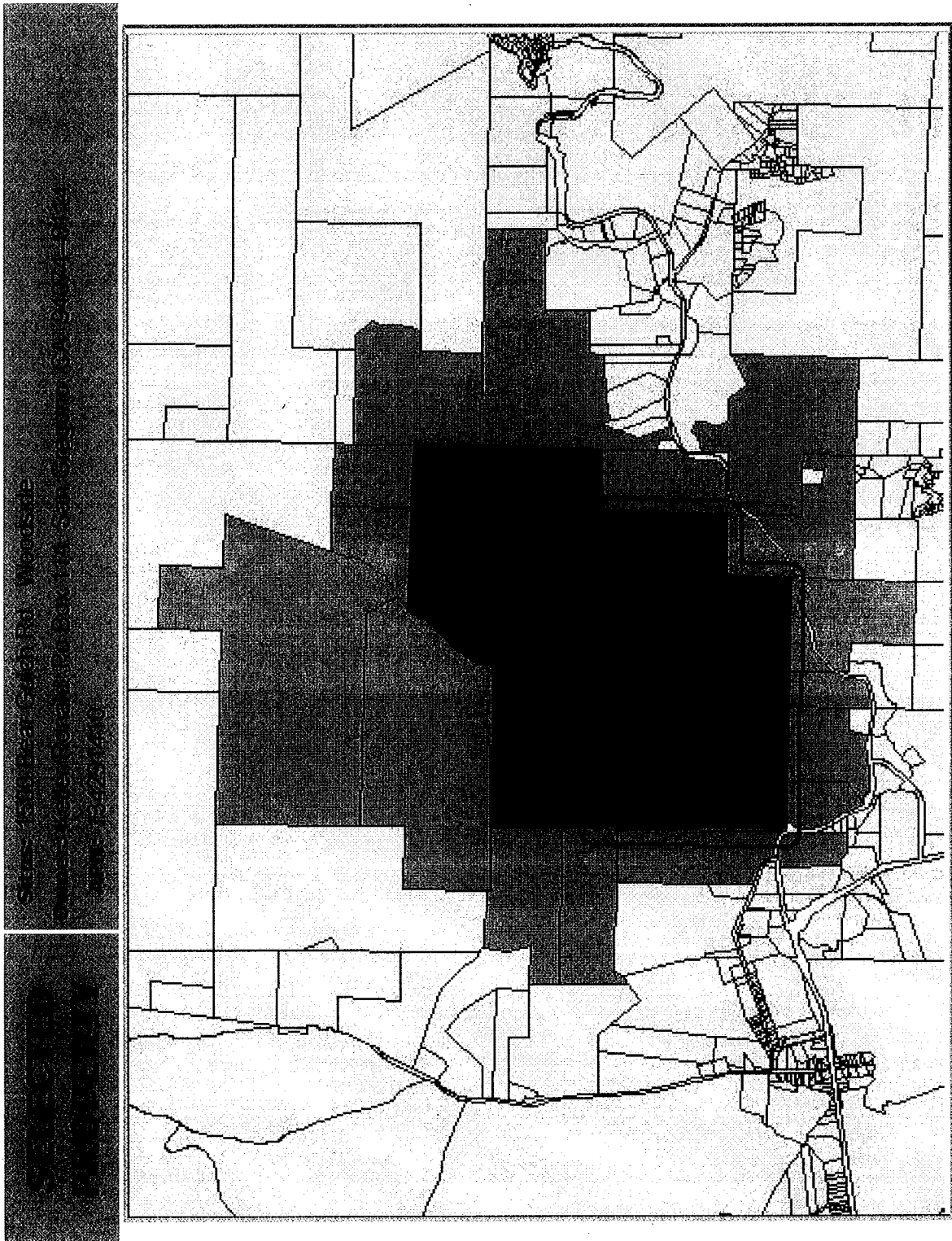
Property Notification Report



Date Created: Tuesday, June 5, 2007

Print

AR 0518



Date Created: Wednesday, June 6, 2007

Print

San Mateo County Environmental Services Agency

Planning and Building Division

County Government Center • 455 County Center, 2nd Floor
 Redwood City • CA • 94063 • Mail Drop PLN 122
 Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Application for Appeal

☐ To the Planning Commission☒ To the Board of Supervisors

1 Appellant Information

Name: T. Monroe CochranAddress: 2527 Camino Ramon, Ste 305
San Ramon, Ca.Phone, W: 530-383-0589 H: 925-244-1890Zip: 94583

2 Appeal Information

Permit Numbers involved: PLN-2000-00497

I have read and understood the attached information
 regarding appeal process and alternatives.

☒ yes☐ no

I hereby appeal the decision of the:

- ☐ Staff or Planning Director
☐ Zoning Hearing Officer
☐ Design Review Committee
☒ Planning Commission

Appellant's Signature:

T. Monroe Cochran

Date:

6/19/2007

made on June 13 2007 to approve/deny
 the above-listed permit applications.

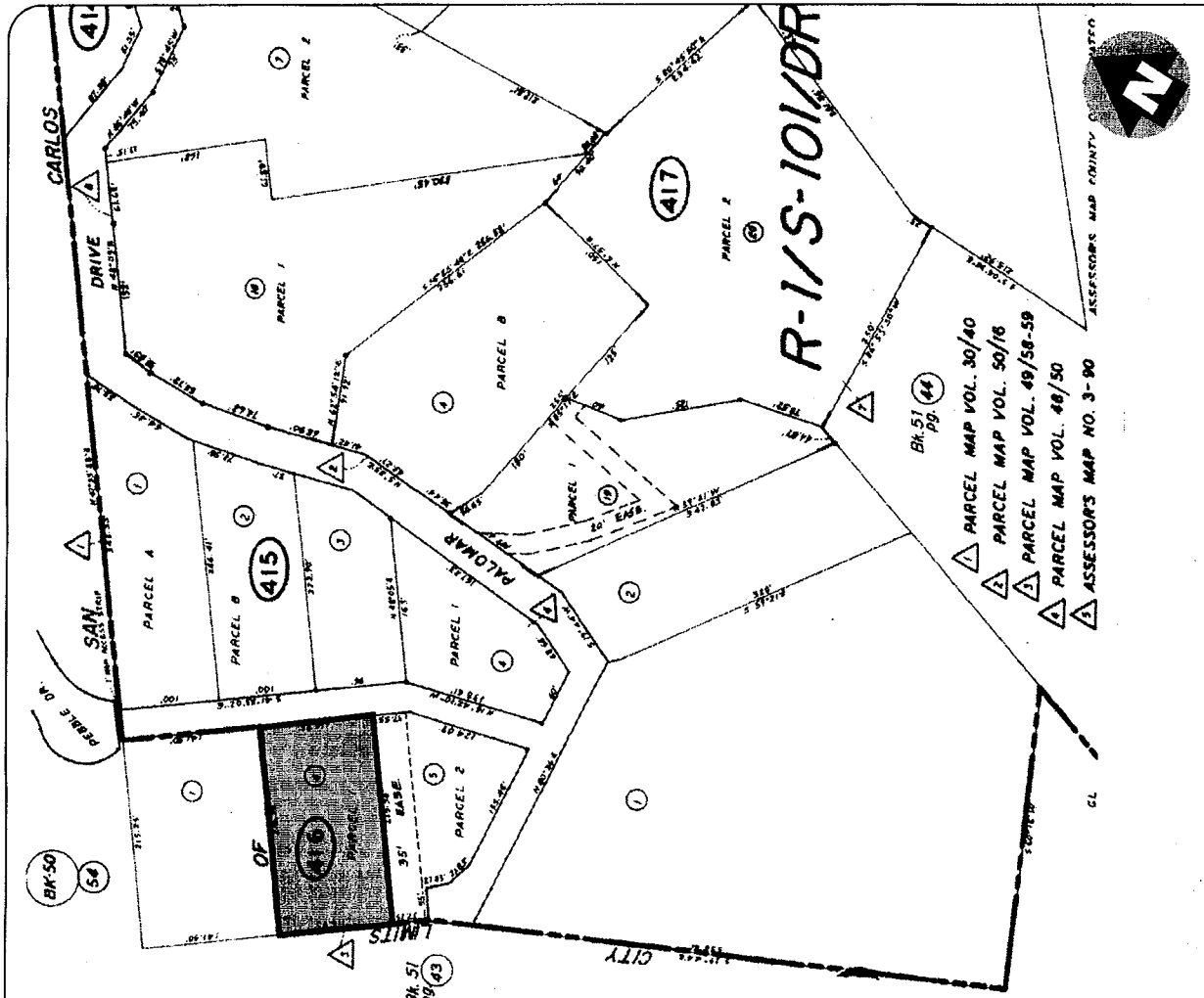
3 Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

I wish the decision of the planning commission reversed
because the commission had recommendations from the planning
department before it which upheld all requirements of approval
for the renewal of an existing use permit. This permit allowed
Sprint PCS to build and operate a very critical cellular communications
facility on property located at 1175 Palomar Dr., Redwood City, Ca.
This location had an existing PACBELL/CINGULAR/AT&T facility
already, and Sprint showed the necessity of using this location to
provide service to an area where service was poor or non-existent.

ATTACHMENT B

AR 0520



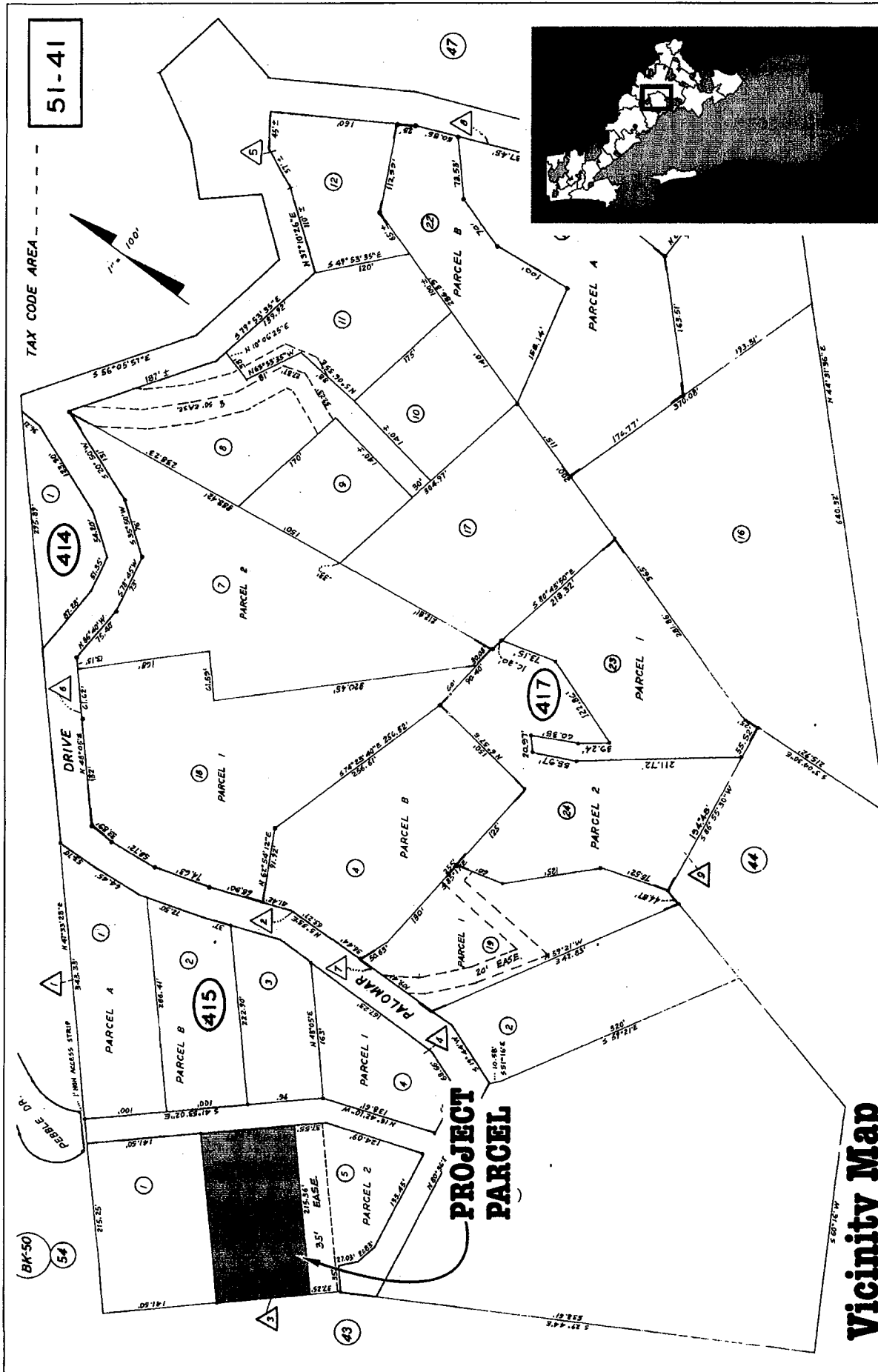
San Mateo County Board of Supervisors' Meeting

Applicant:

File Numbers:

ATTACHMENT C

AR 0521



Vicinity Map

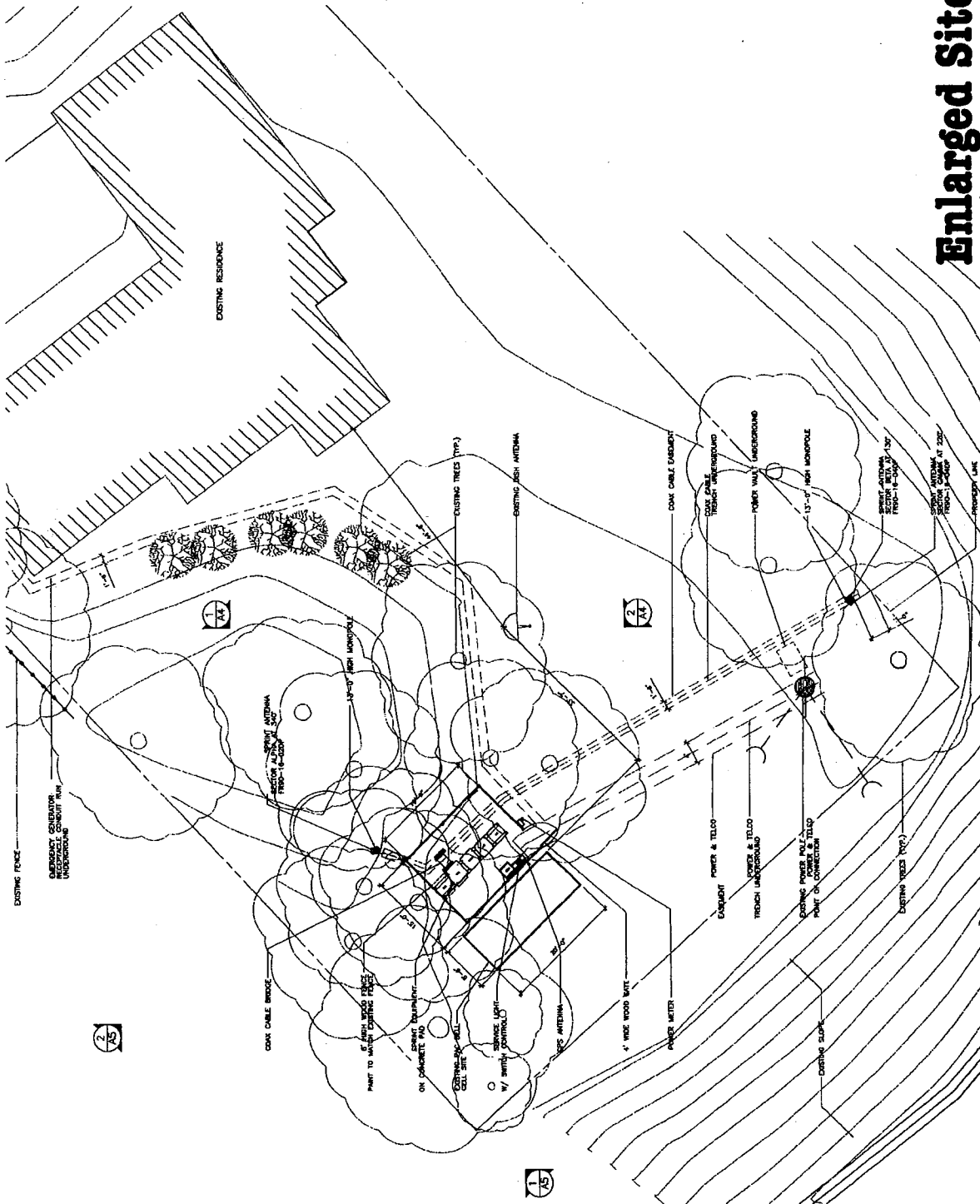
San Mateo County Board of Supervisors' Meeting

Owner/Applicant: Sprint

File Numbers: PLN 2000-00497

ATTACHMENT C

AR 0522



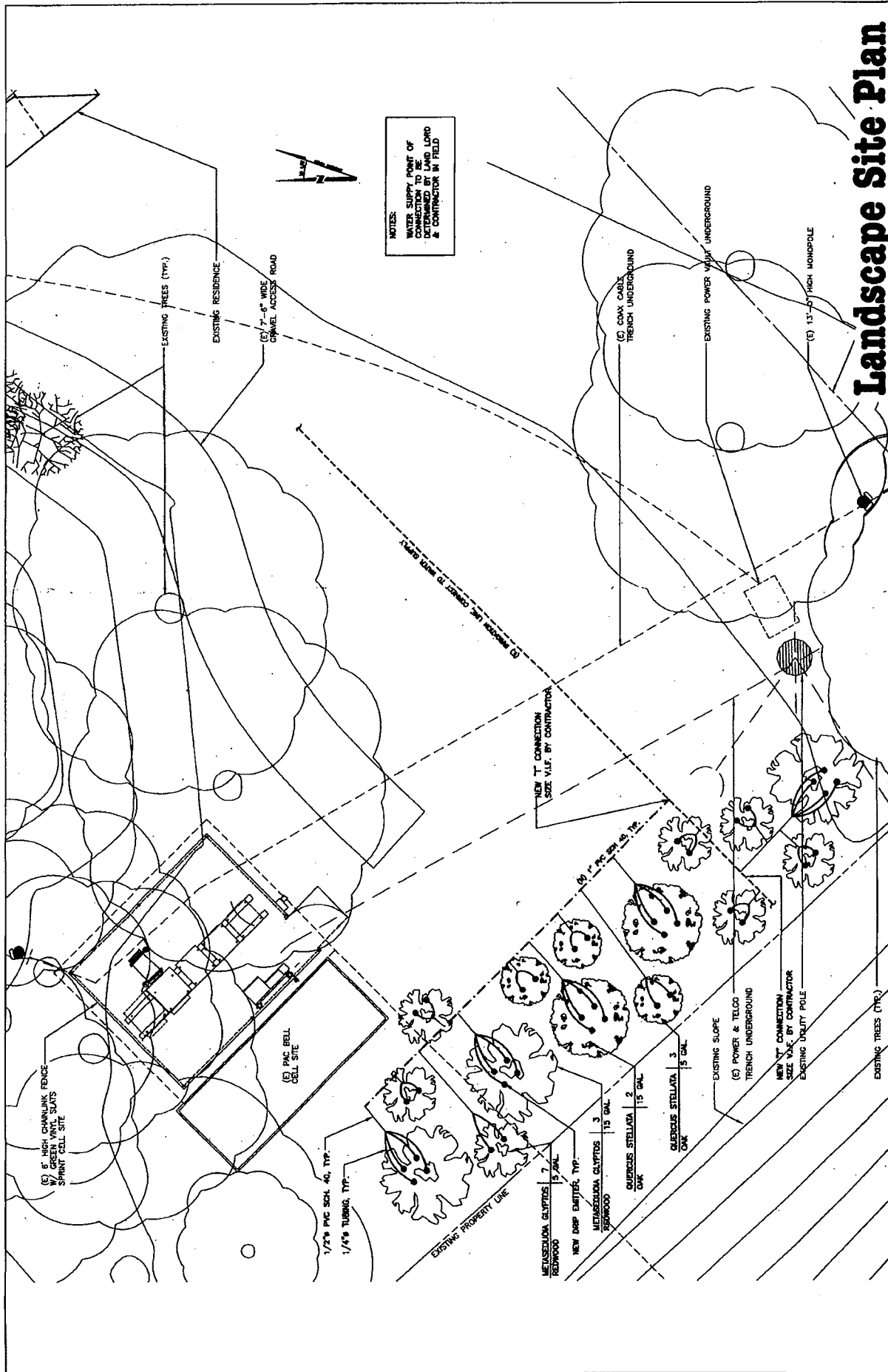
Enlarged Site Plan

San Mateo County Board of Supervisors' Meeting

Owner/Applicant: **Sprint**

File Numbers: **PLN 2000-00497**

ATTACHMENT D



Landscape Site Plan

San Mateo County Board of Supervisors' Meeting

Owner/Applicant: **Sprint**

File Numbers: **PLN 2000-00497**

ATTACHMENT D

11-06-06 rp

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TOP	PAGE
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San Mateo County Board of Supervisors	Board Members	County Manager/ Clerk of the Board
	Mark Church	
	Jerry Hill	John L. Malbie
	Richard S. Gordon	
	Rose Jacobs Gibson	County Counsel
	Adrienne J. Tessler	Michael R. Murphy

Hall of Justice • 400 County Center • Redwood City • California 94063 • 650-363-4653 • Fax 650-599-1027
www.co.sanmateo.ca.us

PLEASE NOTE THERE WILL BE NO MEETING OF THE
BOARD OF SUPERVISORS ON OCTOBER 9, 2007 AND 23, 2007

A COPY OF THE BOARD OF SUPERVISORS AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE LAW LIBRARY, 710 HAMILTON STREET @ MARSHALL STREET, ACROSS FROM THE HALL OF JUSTICE. THE LIBRARY IS OPEN MONDAY THROUGH THURSDAY 8 A.M. - 8 P.M., FRIDAY 8 A.M. - 5 P.M., SATURDAY 12 P.M. - 4 P.M. AND SUNDAY - CLOSED.

MEETINGS ARE ACCESSIBLE TO PEOPLE WITH DISABILITIES. INDIVIDUALS WHO NEED SPECIAL ASSISTANCE OR A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION (INCLUDING AUXILIARY AIDS OR SERVICES) TO PARTICIPATE IN THIS MEETING, OR WHO HAVE A DISABILITY AND WISH TO REQUEST AN ALTERNATIVE FORMAT FOR THE AGENDA, MEETING NOTICE, AGENDA PACKET OR OTHER WRITINGS THAT MAY BE DISTRIBUTED AT THE MEETING, SHOULD CONTACT ASHNITA NARAYAN, AGENDA ADMINISTRATOR AT LEAST 2 WORKING DAYS BEFORE THE MEETING AT (650) 363-4125 AND/OR axnarayan@co.sanmateo.ca.us. NOTIFICATION IN ADVANCE OF THE MEETING WILL ENABLE THE COUNTY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING AND THE MATERIALS RELATED TO IT. ATTENDEES TO THIS MEETING ARE REMINDED THAT OTHER ATTENDEES MAY BE SENSITIVE TO VARIOUS CHEMICAL BASED PRODUCTS.

If you wish to speak to the Board, please fill out a speaker's slip located on the table near the door. If you have anything that you wish distributed to the Board and included in the official record, please hand it to the Clerk of the Board who will distribute the information to the Board members and staff.

Tuesday, October 2, 2007

PLEDGE OF ALLEGIANCE

ROLL CALL

- 9:00 a.m. REGULAR AGENDA
CONSENT AGENDA
GOVERNING BOARD

All items on the consent agendas are approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred

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to the consent agenda.

2. 9:00 a.m. Presentation of the Employee of the Month for August 2007 to Annette Danly, Community Worker II, Human Services Agency (County Manager)
Supporting Document

3. ORAL COMMUNICATIONS

If your subject is not on the agenda, the President will recognize you at this time. **Speakers are customarily limited to two minutes.** A speaker's slip is required.

MATTERS SET FOR SPECIFIED TIME

Times listed under this section are approximate. The Board makes every effort to adhere to the times listed, but in some cases, because of unexpected presentations, items may not be heard precisely at the time scheduled. In no case will any item be heard before the scheduled time.

4. 9:15 a.m. Presentation from the San Mateo Credit Union on the opening of the new North Fair Oaks Branch (Supervisor Rose Jacobs Gibson)
5. 9:30 a.m. Deny the claim for refund by Korean Central Presbyterian Church of San Francisco for the property located at 50 Northridge Drive, Daly City for tax years 1999, 2001, 2002 and 2003 (Continued from the meeting of September 11, 2007) (County Counsel)
6. 9:45 a.m. Presentation of County nominees for the 2007 Jefferson Awards (County Manager)
Supporting Document
7. 10:30 a.m. Presentation of a proclamation designating October 2007 as Disabilities Awareness Month (Supervisor Jerry Hill)
Supporting Document
8. 10:45 a.m. Hearing to consider: (Applicant: Paul McGregor/Owner: Miramar Beach Inn, LTD) (Planning and Building)
 - A) A resolution amending the San Mateo County General Plan (Local Coastal Program) revising the land use map designation, adding Local Coastal Program Policy 1.34, zoning designation of the parcels affected by county file number PLN 2003-00386 involving the Miramar Beach Restaurant located at 131 Mirada Road, unincorporated Miramar and directing staff to transmit the amendment to the California Coastal Commission
 - B) Adoption of an ordinance amending Chapter 2 of Division VI of the

AR 0526

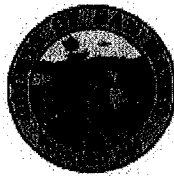
San Mateo County Ordinance Code revising the designated parcels identified on the zoning maps, Section 3, from single-family residential/10,000 square feet minimum parcel size/design review (R-1/S-94/DR) to parking/design review (P/DR)

- 1) Report and recommendation
 - 2) Close hearing
 - 3) Adopt the resolution and ordinance
- Supporting Document Executive Summary
Supporting Document Board Memo
Supporting Document Attachment

9. 11:00 a.m. Hearing to consider an appeal for a use permit renewal to allow the continued operation of a cellular communications facility consisting of two 13 foot tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive, unincorporated Palomar Park (Applicant/Owner: Sprint Spectrum L.P., Curtis Brooks/Appellant: Monroe Cochran, Sprint) (Planning and Building)
- A) Report and recommendation
 - B) Close hearing
 - C) Approve or deny appeal
- Supporting Document Executive Summary
Supporting Document Board Memo
Supporting Document Attachment

TOP

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COUNTY OF SAN MATEO

Inter-Departmental Correspondence

PLANNING AND BUILDING DEPARTMENT

DATE: September 17, 2007

BOARD MEETING DATE: October 2, 2007

SPECIAL NOTICE/HEARING: 10 days, within 300 feet

VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Lisa Grote, Director of Community Development

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Use Permit renewal to allow the continued operation of a cellular communications facility consisting of two 13-foot tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. (Appeal by permit holder from decision of the Planning Commission to grant the appeal from the decision of the Zoning Hearing Officer and revoke the Use Permit.)

RECOMMENDATION

Deny the appeal of the permit holder and uphold the Planning Commission's decision to revoke the Use Permit.

VISION ALIGNMENT

Commitment: Number 9, the proposed project keeps the commitment of Responsive, Effective, and Collaborative Government.

Goal: Number 20: Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.

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The Planning Commission, in making its decision, considered the staff report prepared by the Planning Department staff. They also considered the public hearing testimony and information contained in the previous staff reports to the Zoning Hearing Officer (ZHO). After considering all of the information before them, the Commission determined that the permit holder (Sprint) had not complied with previous conditions of approval and had not shown that the current project location was the only site that could achieve the goal of adequate cell coverage in the area.

BACKGROUND

Proposal: The permit holder (Sprint Spectrum L.P.) is proposing to renew its Use Permit for an existing wireless communications facility in the rear yard of an existing single-family residence at 1175 Palomar Drive. The system consists of two monopoles and one equipment cabinet enclosure. The cellular antennas are attached to the 13-foot tall monopoles located on the southeast and northwest sides of the parcel. The equipment cabinet is located in the rear portion of the yard, adjacent to an existing T-Mobile cellular facility. The total area of the cabinet enclosure is 270 square feet, and is surrounded by a 6-foot high metal fence with green plastic slats.

Planning Commission Action: On January 18, 2007, the ZHO conditionally approved the renewal of this Use Permit. Subsequent to that decision, an appeal was filed to the Planning Commission. On June 13, 2007, the Planning Commission voted 4-1 to grant the appeal and revoke the Use Permit. In doing so, the Commission adopted the recommended findings as presented by the Planning Department.

DISCUSSION

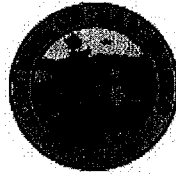
The Planning Commission determined that the permit holder did not comply with previous conditions of approval placed on this permit by the Zoning Hearing Officer in 2000. Specifically, the permit holder failed to: (1) install required landscaping in a timely manner, (2) move an incorrectly placed antenna, and (3) submit a request (with applicable fees) for permit renewal prior to the permit's expiration date.

Additionally, the permit holder did not provide evidence to the Planning Commission or to staff that alternative sites in the project vicinity were considered, even if more than one site would be required to achieve the same level of coverage. Without an alternatives analysis, the Planning Commission concluded that there was insufficient evidence to support the claim that this cellular facility, at this location, is necessary for the public's health, safety, convenience, or welfare.

FISCAL IMPACT

None.

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COUNTY OF SAN MATEO

Inter-Departmental Correspondence

PLANNING AND BUILDING DEPARTMENT

DATE: September 17, 2007
BOARD MEETING DATE: October 2, 2007
SPECIAL NOTICE/HEARING: 10 days, within 300 feet
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Lisa Grote, Director of Community Development

SUBJECT: Consideration of a Use Permit Renewal, pursuant to Section 6500 of the County Zoning Regulations, to allow the continued operation of a cellular communications facility consisting of two 13-foot tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. (Appeal by the permit holder from decision of the Planning Commission to grant the appeal from the decision of the Zoning Hearing Officer and revoke the Use Permit.)

County File Number: PLN 2000-00497 (Sprint/Nextel)

RECOMMENDATION

Deny the appeal of the permit holder and uphold the Planning Commission's decision to revoke the Use Permit.

VISION ALIGNMENT

Commitment: The proposed action keeps the commitment of Responsive, Effective, and Collaborative Government. The Planning Commission, in making its decision, heard a considerable amount of testimony from neighbors of the project, and after carefully weighing this testimony and the information contained in the record, concluded that this

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permit should be revoked. By upholding the Planning Commission's decision, the Board would be reinforcing this commitment.

Goal: The proposed action achieves Goal number 20: Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain. In reaching its decision on this project, the Planning Commission (PC) considered the report prepared by the Planning Department staff. It also considered the public hearing testimony and information contained in the previous staff reports to the Zoning Hearing Officer (ZHO). After considering all of the information, the Commission determined that the permit holder (Sprint) had not complied with previous conditions of approval and had not shown that the current project location is the only site that could achieve its goal of adequate cell coverage in the area.

BACKGROUND

Proposal: The permit holder (Sprint Spectrum L.P.) is proposing to renew the Use Permit for an existing wireless communications facility in the rear yard of an existing single-family residence at 1175 Palomar Drive. The system consists of two monopoles and one equipment cabinet enclosure. The cellular antennas are attached to the 13-foot tall monopoles located on the southeast and northwest sides of the parcel. The equipment cabinet is located in the rear portion of the yard, adjacent to an existing T-Mobile cellular facility. The total area of the cabinet enclosure is 270 sq. ft., and is surrounded by a 6-foot high metal fence with green plastic slats.

Report Prepared By: Michael Schaller, Senior Planner, Telephone 650/363-1849

Appellant: Monroe Cochran (Sprint)

Applicant/Owner: Sprint Spectrum L.P./ Curtis Brooks

Location: 1175 Palomar Drive, Palomar Park

APN: 051-416-040

Size: 22,858 sq. ft.

Existing Zoning: R-1/S-101 (Single-Family Residential/20,000 sq. ft. min. parcel size)

General Plan Designation: Low Density Residential (0.3 – 2.3 dwelling units per net acre)

Sphere-of-Influence: Redwood City

Existing Land Use: Single Family Home and Other Wireless Communications Facilities

AR 0531

Flood Zone: Zone C (Area of Minimal Flooding); Community Panel No. 060311-0250B,
Effective Date: July 5, 1984

Environmental Evaluation: Exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, relating to the continued operations of an existing utility

Setting: The project site is located on the west side of the street and is accessible from Palomar Drive. The site is improved with a 1-story, single-family home and an existing T-Mobile cellular facility. The surrounding uses are single-family homes. The site is visible from Edgewood Road at Crestview, but the antennae and equipment compounds are painted to blend with the existing vegetation and are screened by both existing Monterey Pine and similar trees located behind the existing facilities.

Chronology:

<u>Date</u>	<u>Action</u>
November 17, 2000	- Use Permit for Sprint cell site approved.
December 7, 2006	- First ZHO public hearing to consider renewal of this Use Permit. Item continued to January 18, 2007 to allow sufficient time for the applicant to implement the approved landscaping plan that was previously required and for staff to confirm installation.
January 18, 2007	- ZHO conditionally approves renewal of Sprint Use Permit including relocation of the existing pole to appropriate location as noted on originally approved plans.
February 1, 2007	- Appeal to PC filed.
May 9, 2007	- First PC public hearing. PC directs staff to prepare findings for revocation.
May 23, 2007	- Second PC public hearing. PC discusses the proposed findings for revocation; however, the Commission is unable to adopt the findings due to lack of support for denial from all three Commissioners present (only three Commissioners were present and the vote was 2-1 for revocation).
June 13, 2007	- Third PC public hearing. PC adopts findings of revocation.
June 19, 2007	- Appeal to the Board of Supervisors filed.

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October 2, 2007 - Board of Supervisors public hearing.

DISCUSSION

A. BACKGROUND

The project parcel is 22,858 sq. ft. in size and contains a 2,330 sq. ft. house. The rear portion of the parcel contains numerous mature trees, with additional trees recently planted to comply with previous conditions of approval. The Sprint facility (the permit before the Board) was initially approved on November 17, 2000. Adjacent to the Sprint facility is a similar facility owned by T-Mobile, the permit for which was renewed in 2002 (see Attachment D for location of these two facilities on the parcel). Additionally, there are two permit applications currently being processed by the Planning Department to construct two more cell facilities on this parcel.

B. KEY ISSUES OF THE APPEAL

Mr. Cochran represents Sprint Spectrum and is the appellant. The following is a summation of the key issues in the appeal letter (see Attachment B), followed by staff's response:

1. **"I wish the decision of the Planning Commission reversed because the Commission had recommendations from the Planning Department before it which upheld all requirements of approval for the renewal of an existing Use Permit. This permit allowed Sprint PCS to build and operate a very critical cellular communications facility on property located at 1175 Palomar Drive, Redwood City. This location had an existing PacBell/Cingular/AT&T facility already, and Sprint showed the necessity of using this location to provide service to an area where service was poor or non-existent."**

Response: In revoking this Use Permit, the PC made the following two findings:

- a. **That the appellant had failed to comply in a timely manner with conditions of approval established in 2000. Specifically, the appellant failed to install required landscaping and relocation of a misplaced pole prior to expiration of the original Use Permit. The applicant also failed to submit a request for permit renewal prior to the expiration date of the original permit.**

In the staff report to the PC (Attachment C), staff had recommended denial of the neighbor's appeal and upholding of the ZHO's decision to renew the Use Permit. In the first report to the Commission, staff acknowledged that the appellant (Sprint) had failed to comply with previous conditions of approval for this permit in a timely manner. The landscaping was only planted after the ZHO withheld renewal of the permit pending its installation. The pole in question was finally moved to the correct location on April 12, 2007, approximately six years after Sprint was informed that they had placed the pole in the wrong location.

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The request for renewal was not submitted until February 23, 2006; over three months after the permit had expired. The PC felt that Sprint's poor track record in complying with previous conditions of approval was grounds for revocation of the Use Permit.

- b. **That the appellant failed to show that alternative sites or a combination of sites could not achieve the same results as this site in question because inadequate evidence was submitted to support the conclusion that this cell site is necessary for the public's health, safety, convenience, or welfare.**

Sprint did not provide evidence to the PC or to staff that alternative sites in the project vicinity were considered, even if more than one site would be required to achieve the same level of coverage. What was presented to the PC were coverage maps showing how this site filled in a hole in Sprint's cellular coverage for this area. Without an alternatives analysis, the PC felt that there was insufficient evidence to support the claim that this cellular facility, at this location, is necessary for the public's health, safety, convenience, or welfare.

Since the PC's decision, no new evidence has been submitted by Sprint that would negate the Commission's findings for permit revocation. Lacking additional or new evidence to support an alternative finding, staff recommends that the Board deny the appeal and revoke the Use Permit.

C. ALTERNATIVES

1. The Board could continue the public hearing and direct the appellant, Sprint Spectrum, to prepare an alternatives study, which would identify alternate locations that could provide the same coverage. The study shall clearly indicate what steps would be necessary to construct and maintain each alternate location. This study will be presented to staff who will conduct a review and analysis as to the potential impacts of developing these alternative locations.
2. Grant the appeal and overturn the decision of the PC by adopting the required findings and conditions of approval contained in Attachment F. This action would result in the renewal of the Use Permit. Below is the background information and required findings for renewing the Use Permit.

D. COMPLIANCE WITH CONDITIONS OF THE LAST APPROVAL

The conditions from the approval of the Use Permit in 2000 are assessed below with regard to compliance, and whether the conditions should be either retained or revised if the permit renewal is approved. Staff recommends that some conditions, as indicated, be removed in instances where the condition: (1) has been complied with, and/or (2) is no longer deemed feasible or necessary.

AR 0534

Planning Department

1. This approval applies only to the proposal as described in this report and plans and documents submitted to the Planning Department on July 14, 2000. Minor adjustments to the project in the course of applying for building permits may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.

Compliance with Condition? No. One of the two antennae poles was initially constructed approximately 4 feet from the approved location and was outside the property line. However, on April 12, 2007, the Planning Department approved a revision to the applicant's still open building permit to move the pole in question to its approved location. In addition, at the time of the December 7, 2006 ZHO hearing, the applicant had not implemented the landscape plan approved as part of this cell site's building permit on May 14, 2004 (Attachment E). The ZHO continued this item subject to installation of the landscaping, which was completed by the applicant during the week of December 25, 2006.

Recommend to Retain Condition? Yes.

2. The applicant shall obtain a building permit and develop in accordance with the approved plans.

Compliance with Condition? No. A building permit was issued and, as of the writing of this staff report, has not been finalized for the cell facility.

Recommend to Retain Condition? Yes, but modified as follows: The applicant shall complete all aspects of the building permit within 4 months of Use Permit Renewal.

3. This Use Permit shall be valid for a 5-year period and shall expire on November 2, 2005. The applicant shall file for a renewal of this permit six months prior to the expiration with the County Planning and Building Department, if continuation of this use is desired.

Compliance with Condition? No. The renewal application was only submitted on February 23, 2006, after a third and final renewal notice was sent extending the deadline to February 27, 2006.

Recommend to Retain Condition? Yes, but modified to:

This Use Permit shall be valid for a 10-year period and shall expire on September 27, 2017. The applicant shall file for a renewal of this permit six months prior to the expiration with the County Planning and Building Department, if continuation of this use is desired. Any modifications to this facility will require a Use Permit amendment. If an amendment is requested, the

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applicant shall submit the necessary documents and fees for consideration at a public hearing.

State legislation recently signed into law by the Governor has now extended the life span of all use permits for cellular facilities to 10 years. This condition has been modified to reflect that change in State law.

4. The monopoles, antennas, and fencing shall be painted the same "enviro-green" color as the existing Pacific Bell equipment cabinet. A color sample shall be submitted to the Planning Counter prior to building permit issuance. The applicant shall include file/case number with all color samples. Color verification by a building inspector shall occur in the field after the applicant has painted the equipment an approved color, but before the applicant schedules a final inspection.

Compliance with Condition? Yes. The monopoles are the same color as the existing T-Mobile (previously Pacific Bell) enclosure but both seem to have faded.

Recommend to Retain Condition? Yes, but modified to: The monopoles and antennas shall be repainted in the originally approved and painted color, "enviro-green." Metal fencing with green plastic slats shall be maintained in good condition. Any proposed change to the color shall be reviewed and approved by the Planning Department prior to painting. Any new color proposed shall blend with the character of the site and the vegetation in the vicinity.

5. Construction hours shall be Monday through Friday 7:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., and no construction will be allowed on Sundays or national holidays.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. The building permit is still in an "issued" status and has not been finalized.

6. Noise levels produced by the proposed construction activity shall not exceed 80 dBA level at any one moment.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. The building permit is still in an "issued" status and has not been finalized.

7. The installation shall be removed in its entirety at that time when this technology becomes obsolete or this facility is no longer needed.

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Compliance with Condition? Yes. The installation has not been removed since technology is not yet obsolete and the facility is still needed.

Recommend to Retain Condition? Yes.

8. The applicant shall submit an erosion control plan which implements best management practices to prevent erosion and sedimentation during the entire construction process prior to building permit issuance. The plan shall include, but is not limited to: (1) installation of silt blankets and fiber rolls below all areas of earth clearing, (2) covering of surcharges for protection from rain and wind erosion, and (3) replanting all disturbed areas immediately upon completion of construction with indigenous vegetation.

Compliance with Condition? Yes. This was confirmed as having been met when the initial building permit for the facility was issued.

Recommend to Retain Condition? Yes. The building permit is still in an "issued" status and has not been finalized.

9. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
 - a. Disposing of removed soil in a County approved landfill, or by spreading the soil in the immediate vicinity employing the above erosion control techniques at a depth not to exceed 6 inches in height.
 - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15.
 - c. Removing spoils promptly and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
 - e. Avoid cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. The applicant shall revegetate construction areas with native plant materials (trees, shrubs, and/or groundcover), which are compatible with the surrounding vegetation and are suitable to the climate, soil, and ecological

AR 0537

characteristics of the area.

Compliance with Condition? Yes. This was confirmed as having been met when the initial building permit was issued.

Recommend to Retain Condition? Yes. The building permit is still in an "issued" status and has not been finalized.

California Department of Forestry

10. Maintain around and adjacent to such buildings or structures a fuel-break/fire break made by removing and cleaning away flammable vegetation for a minimum distance of 30 feet. Remove that dead or dying portion of any tree which extends over the any structure.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

11. All buildings and structures must have an address posted in such a location and in such a manner that it can be easily seen while traveling in both directions on the main road day or night. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum stroke of $\frac{3}{4}$ inch.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes.

12. All proposed enclosed structures on the site shall be equipped with an approved FM 200 fire protection system or equivalent. Plans and calculations must be submitted to the San Mateo County Building Inspection Section for review and approval by the County Fire Department.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes, but modified to:

All proposed enclosed structures on the site shall be equipped with an approved FM 200 fire protection system or equivalent which shall be maintained for the duration of the Use Permit.

13. Access must be provided from the street to the access gate at the proposed site. The access must be provided in such a manner that emergency crews can

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get emergency medical equipment and fire fighting equipment to the scene.

Compliance with Condition? Yes. This condition was met at the time of initial building permit for the facility and was confirmed by a site visit on September 22, 2006.

Recommend to Retain Condition? Yes.

14. The proposed wood fencing is not desirable in this area because of the fire hazard. A metal fence with slats would be more desirable solution to protect the facility.

Compliance with Condition? Yes. This was confirmed as having been met when the initial building permit for the facility and was confirmed by a site visit on September 22, 2006.

Recommend to Retain Condition? Yes, but modified to: The metal fence with slats shall be maintained to protect this facility.

15. A Knox Box is required at the entry gate to allow emergency personnel access to the site in case of an emergency. Contact the County Fire Department at 650/573-3846 for details.

Compliance with Condition? Yes. No entry gate prevents entrance to the property. The site is open and accessible at all times.

Recommend to Retain Condition? Yes, but modified to:

The project site shall remain accessible at all times. If an entry gate is installed then a Knox Box is required at the entry gate to allow emergency personnel access to the site in case of an emergency. Contact the County Fire Department at 650/573-3846 for details.

16. A final inspection will be required before the site can be put into use. All project conditions which result in the issuance of a building permit will be required to be completed at that time.

Compliance with Condition? Yes. County Fire has finalized its responsibility for the building permit on June 21, 2001.

Recommend to Retain Condition? No.

17. A more in-depth plan review will be conducted at the time a building permit is applied for. This has been a preliminary review and additional conditions may

AR 0539

be placed on the project at the building permit application stage.

Compliance with Condition? Yes.

Recommend to Retain Condition? No.

E. CONFORMANCE WITH USE PERMIT FINDINGS

In order to continue the operation of this facility, the following Use Permit findings are necessary:

1. **Find that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.**

The impacts from the continued operation of this facility, subject to the recommended conditions of approval, will be minimal. County staff has received no complaints regarding interference with household appliances or communications equipment resulting from the antennas.

Because the facility is unmanned and only requires periodic service visits, continued operation of the facility should not generate additional traffic, noise, or intensity of use of the property.

2. **Find that the use is necessary for the public health, safety, convenience, or welfare.**

The use is for telecommunication services. The FCC has established the desirability and need for wireless communications facilities to enable communication between mobile units and the existing wire-dependent telephone system. This facility contributes to an enhanced wireless network for increased clarity, range, and system capacity, and therefore is a benefit to both public and private users. The wireless network is considered necessary for public health, safety, convenience, and welfare, particularly in the case of a large scale natural disaster, such as an earthquake or wildland fire. No adverse effects to public health and safety would result from the continued operation of this facility.

FISCAL IMPACT

None.

ATTACHMENTS

AR 0540

- A. Recommended Findings for Permit Revocation
- B. Appellant's Letter of Appeal
- C. Location and Vicinity Maps
- D. Site Plan
- E. Alternative Recommended Findings and Conditions of Approval

Attachment A

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

RECOMMENDED FINDINGS AND REQUIRED ACTION

Permit File Number: PLN 2000-00497

Board Meeting Date: October 2, 2007

Prepared By: Michael Schaller, Senior Planner

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS

Regarding the Use Permit Renewal, Find:

1. That the permit holder, Sprint Spectrum L.P., has failed to comply in a timely manner with conditions of approval established in 2000. Specifically, the permit holder failed to install required landscaping and relocate a misplaced pole prior to expiration of the original Use Permit. The permit holder also failed to submit a request for permit renewal prior to the expiration date of the original permit.
2. That the permit holder, Sprint Spectrum L.P., failed to show that alternative sites or a combination of sites could not achieve the same results as this site in question.

REQUIRED ACTION

1. This facility must obtain a demolition permit within 60 days of this decision and remove the facility in its entirety within 30 days of issuance of the demolition permit.

Attachment E

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

AR 0541

ALTERNATIVE RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit File Number: PLN 2000-00497

Board Meeting Date: October 2, 2007

Prepared By: Michael Schaller, Senior Planner

For Adoption By: Board of Supervisors

ALTERNATIVE RECOMMENDED FINDINGS

For the Environmental Review, Find:

1. That this project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, relating to operation or permitting of existing private structures or facilities involving no expansion of use.

For the Use Permit, Find:

2. That the establishment, maintenance, and conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. The impacts from the continued operation of this facility, subject to the recommended conditions of approval, will be minimal. County staff has received no complaints regarding interference with household appliances or communications equipment resulting from the antennas. Because the facility is unmanned and only requires periodic service visits, continued operation of the facility should not generate additional traffic, noise, or intensity of use of the property.
3. That the approval of this cellular telecommunications addition is necessary for the public health, safety, convenience or welfare. The use is for telecommunication services. The FCC has established the desirability and need for wireless communications facilities to enable communication between mobile units and the existing wire-dependent telephone system. This facility contributes to an enhanced wireless network for increased clarity, range, and system capacity, and therefore is a benefit to both public and private users. The wireless network is considered necessary for public health, safety, convenience, and welfare, particularly in the case of a large-scale natural disaster, such as an earthquake or wildland fire. No adverse effects to public health and safety will result from the continued operation of this facility.

ALTERNATIVE RECOMMENDED CONDITIONS OF APPROVAL

Planning Department

1. This approval applies only to the proposal as described in this report and plans and documents submitted to the Planning Department on July 14, 2000. Minor adjustments

AR 0542

to the project in the course of applying for building permits may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.

2. The applicant shall complete all aspects of the open building permit (BLD 2000-01628), including relocation of the antenna pole, within 4 months of Use Permit Renewal.
3. This Use Permit shall be valid for a 10-year period and shall expire on October 2, 2017. The applicant shall file for a renewal of this permit six months prior to the expiration with the County Planning and Building Department, if continuation of this use is desired. Any modifications to this facility will require a Use Permit amendment. If an amendment is requested, the applicant shall submit the necessary documents and fees for consideration at a public hearing.
4. The monopoles and antennas shall be repainted in the originally approved and painted color, "enviro-green." Metal fencing with green plastic slats shall be maintained in good condition. Any proposed change to the color shall be reviewed and approved by the Planning Department prior to painting. Any new color proposed shall blend with the character of the site and the vegetation in the vicinity.
5. Construction hours shall be Monday through Friday 7:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., and no construction will be allowed on Sundays or national holidays.
6. Noise levels produced by the proposed construction activity shall not exceed 80 dBA level at any one moment.
7. The installation shall be removed in its entirety at that time when this technology becomes obsolete or this facility is no longer needed.
8. The applicant shall submit an erosion control plan which implements best management practices to prevent erosion and sedimentation during the entire construction process prior to building permit issuance. The plan shall include, but is not limited to: (1) installation of silt blankets and fiber rolls below all areas of earth clearing, (2) covering of surcharges for protection from rain and wind erosion, and (3) replanting all disturbed areas immediately upon completion of construction with indigenous vegetation.
9. During project construction, the applicant shall, pursuant to Section 5022 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
 - a. Disposing of removed soil in a County approved landfill, or by spreading the soil in the immediate vicinity employing the above erosion control techniques at a depth not to exceed 6 inches in height.
 - b. Stabilizing all denuded areas and maintaining erosion control measures

AR 0543

continuously between October 15 and April 15.

- c. Removing spoils promptly and avoiding stockpiling of fill materials when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
- d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
- e. Avoid cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
- f. The applicant shall revegetate construction areas with native plant materials (trees, shrubs, and/or groundcover), which are compatible with the surrounding vegetation and are suitable to the climate, soil, and ecological characteristics of the area.

California Department of Forestry

- 10. Maintain, around and adjacent to, such buildings or structures, a fuel-break/fire break made by removing and clearing away flammable vegetation for a minimum distance of 30 feet. Remove that dead or dying portion of any tree which extends over any structure.
- 11. All buildings and structures must have an address posted in such a location and in such a manner that it can be easily seen while traveling in both directions on the main road day or night. Numerals shall be contrasting in color to their background and shall be no less than 4 inches in height, and have a minimum stroke of 3/4 inch.
- 12. All proposed enclosed structures on the site shall be equipped with an approved FM 200 fire protection system or equivalent which shall be maintained for the duration of the Use Permit.
- 13. Access must be provided from the street to the access gate at the proposed site. The access must be provided in such a manner that emergency crews can get emergency medical equipment and fire fighting equipment to the scene.
- 14. The existing metal fence with slats shall be maintained to protect the facility.
- 15. The project site shall remain accessible at all times. If an entry gate is installed then a Knox Box is required at the entry gate to allow emergency personnel access to the site in case of an emergency. Contact the County Fire Department at 650/573-3846 for details.

AR 0544

San Mateo County Environmental Services Agency

Planning and Building Division

County Government Center • 455 County Center, 2nd Floor
 Redwood City • CA • 94063 • Mail Drop PLN 122
 Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Application for Appeal

☐ To the Planning Commission☒ To the Board of Supervisors

1. Appellant Information

Name: T. Monroe CochranAddress: 2527 Camino Ramon, Ste. 305
San Ramon, Ca.Phone, W: 530-383-0589 H: 925-244-1890Zip: 94583

2. Appeal Information

Permit Numbers involved: PLN-2000-00497

I have read and understood the attached information
 regarding appeal process and alternatives.

☒ yes☐ no

I hereby appeal the decision of the:

- ☐ Staff or Planning Director
☐ Zoning Hearing Officer
☐ Design Review Committee
☒ Planning Commission

Appellant's Signature:

T. Monroe Cochran

Date:

6/19/2007

made on June 13 2007 to approve/deny
 the above-listed permit applications.

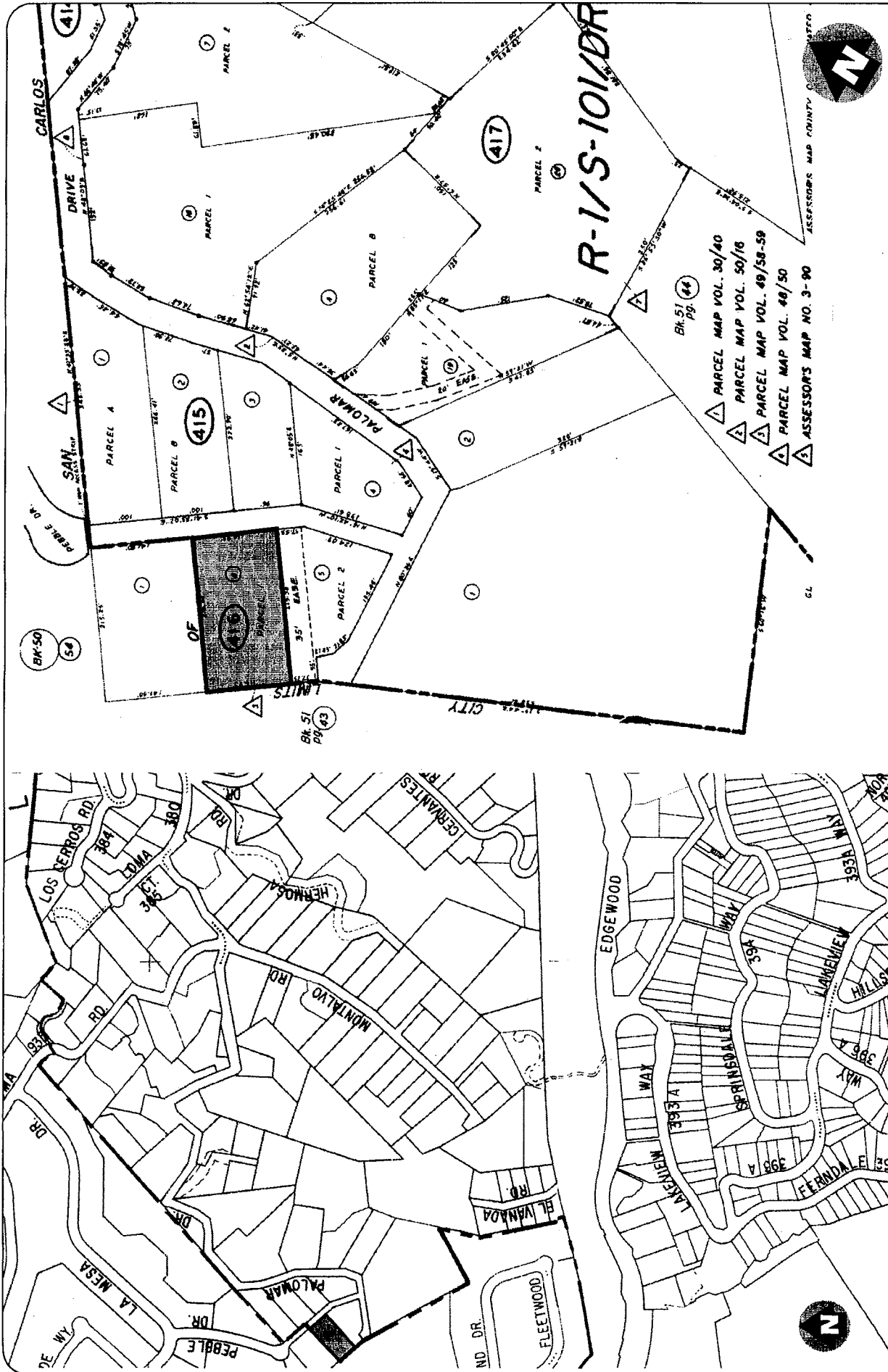
3. Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

I wish the decision of the planning commission reversed
because the commission had recommendations from the planning
department before it which upheld all requirements of approval
for the renewal of an existing use permit. This permit allowed
Sprint PCS to build and operate a very critical cellular communications
facility on property located at 1175 Palomar Dr., Redwood City, Ca.
This location had an existing PACBELL/CINGULAR/AT&T facility
already, and Sprint showed the necessity of using this location to
provide service to an area where service was poor or non-existent.

ATTACHMENT B

AR 0545



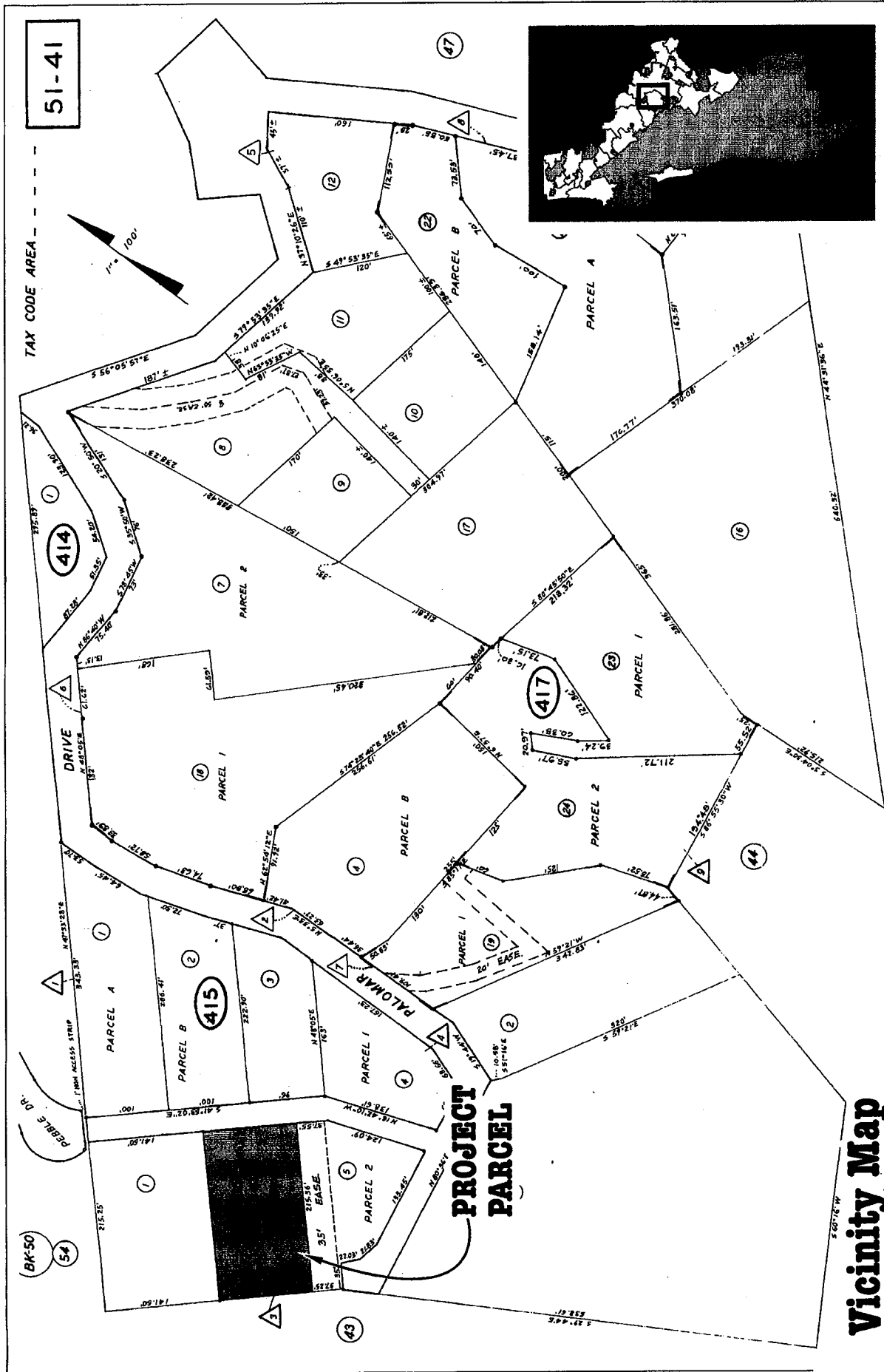
San Mateo County Board of Supervisors' Meeting

Applicant:

File Numbers:

ATTACHMENT C

AR 0546



Vicinity Map

San Mateo County Board of Supervisors' Meeting

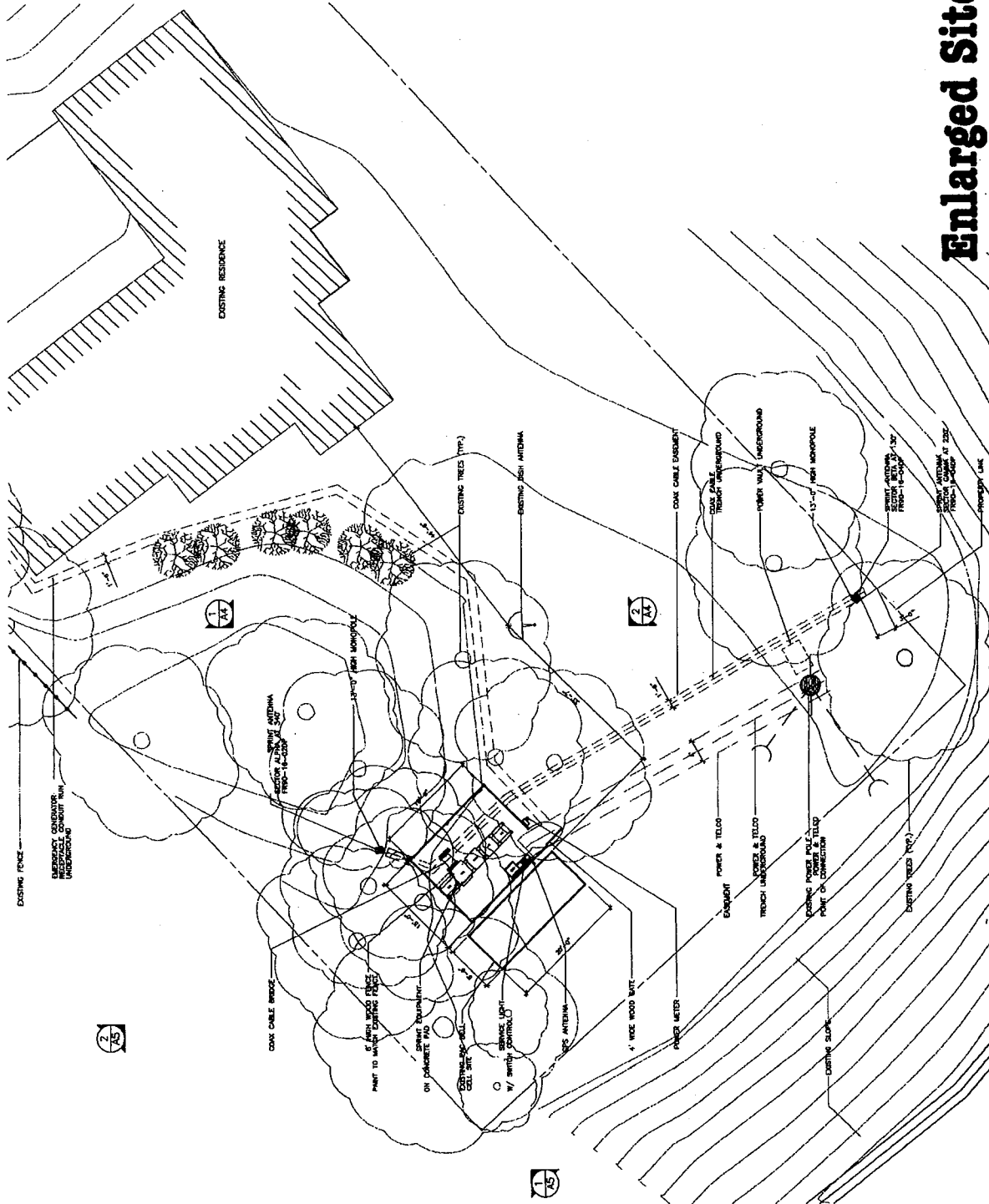
Owner/Applicant: **Sprint**

File Numbers: **PLN 2000-00497**

ATTACHMENT C

AR 0547

Enlarged Site Plan

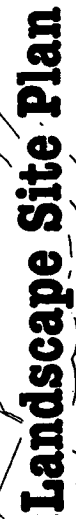


San Mateo County Board of Supervisors' Meeting

Owner/Applicant: **Sprint**

File Numbers: **PLN 2000-00497**

ATTACHMENT D



San Mateo County Board of Supervisors' Meeting

Owner/Applicant: **Sprint**

File Numbers: **PLN 2000-00497**

ATTACHMENT D

San Mateo County Board of Supervisors	Board Members	County Manager/ Clerk of the Board
	Mark Church	
	Jerry Hill	John L. Malibie
	Richard S. Gordon	
	Rose Jacobs Gibson	County Counsel
	Adrienne J. Tissier	Michael P. Murphy

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PLEASE NOTE THERE WILL BE NO MEETING OF THE
BOARD OF SUPERVISORS ON OCTOBER 9, 2007 AND 23, 2007

The meeting was called to order at 9:04 a.m.

Tuesday, October 2, 2007

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Supervisors Church, Hill, Jacobs Gibson and Tissier.

Absent: Supervisor Richard Gordon

The following item was added to the agenda:

8:30 a.m. **CLOSED SESSION**

A) Conference with Legal Counsel - Anticipated Litigation

*Significant exposure to litigation pursuant to subdivision (b) of
Government Code section 54956.9 – One case*

No report.

1. 9:00 a.m. REGULAR AGENDA (SEE PAGE 4)
CONSENT AGENDA (SEE PAGE 4)
GOVERNING BOARD (SEE PAGE 6)

All items on the consent agendas are approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred to the consent agenda.

Church/Hill

2. 9:00 a.m. Presentation of the Employee of the Month for August 2007 to Annette Danly, Community Worker II, Human Services Agency (County Manager)

AR 0550

Speakers recognized by the President:

John L. Maltbie, County Manager
Dennis Myers, Human Services Agency
Patricia Mason, Human Services Agency
Beverly Beasley Johnson, Director, Human Services Agency

3. ORAL COMMUNICATIONS – No speakers

MATTERS SET FOR SPECIFIED TIME

4. 9:15 a.m. Presentation from the San Mateo Credit Union on the opening of the new North Fair Oaks Branch (Supervisor Rose Jacobs Gibson)

Speakers recognized by the President:

Barry Jollette, San Mateo Credit Union

5. 9:30 a.m. Deny the claim for refund by Korean Central Presbyterian Church of San Francisco for the property located at 50 Northridge Drive, Daly City for tax years 1999, 2001, 2002 and 2003 (Continued from the meeting of September 11, 2007) (County Counsel)

Speakers recognized by the President:

Michael Murphy, County Counsel
Supervisor Jerry Hill, Board of Supervisors
Supervisor Adrienne Tissier, Board of Supervisors
Supervisors Mark Church, Board of Supervisors
Lage Andersen

The claim was granted to the Korean Central Presbyterian Church.

Church/Tissier

6. 9:45 a.m. Presentation of County nominees for the 2007 Jefferson Awards (County Manager)

Speakers recognized by the President:

John L. Maltbie, County Manager

7. 10:30 a.m. Presentation of a proclamation (**2690**) designating October 2007 as Disabilities Awareness Month (Supervisor Jerry Hill)

Speakers recognized by the President:

AR 0551

Karen Phillips
Robert Manchia

Hill/Church

8. 10:45 a.m. Hearing to consider: (Applicant: Paul McGregor/Owner: Miramar Beach Inn, LTD) (Planning and Building)

A) A resolution (**069044**) amending the San Mateo County General Plan (Local Coastal Program) revising the land use map designation, adding Local Coastal Program Policy 1.34, zoning designation of the parcels affected by county file number PLN 2003-00386 involving the Miramar Beach Restaurant located at 131 Mirada Road, unincorporated Miramar and directing staff to transmit the amendment to the California Coastal Commission

B) Adoption of an ordinance (**04395**) amending Chapter 2 of Division VI of the San Mateo County Ordinance Code revising the designated parcels identified on the zoning maps, Section 3, from single-family residential/10,000 square feet minimum parcel size/design review (R-1/S-94/DR) to parking/design review (P/DR)

- 1) Report and recommendation
- 2) Close hearing – **Hill/Tissier**
- 3) Adopt the resolution and ordinance – **Church/Tissier**

Speakers recognized by the President:

Jim Eggemeyer, Planning and Building Department
Supervisor Adrienne Tissier, Board of Supervisors
Supervisor Jerry Hill, Board of Supervisors
Supervisor Mark Church, Board of Supervisors
Paul McGregor, 547 7th Street, Montara 94037

9. 11:00 a.m. Hearing to consider an appeal for a use permit renewal to allow the continued operation of a cellular communications facility consisting of two 13 foot tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive, unincorporated Palomar Park (Applicant/Owner: Sprint Spectrum L.P., Curtis Brooks/Appellant: Monroe Cochran, Sprint) (Planning and Building)

- A) Report and recommendation
- B) Close hearing – **Church/Tissier**
- C) Approve or deny appeal

Speakers recognized by the President:

AR 0552

Jim Eggemeyer, Planning and Building Department
Rich Landi, 178 South Palomar Drive, Palomar Park 94062
Leon Glahn, 1030 Palomar Drive, Palomar Park 94062
Sally Einspahr, 1165 Palomar, Palomar Park Drive 94062
Kurt Oppenheine, 632 Palomar Drive, Redwood City 94062
Alicia Torre, 1354 Pebble Drive, San Carlos 94070
Chris Durand, NSA Wireless, Inc., 2527 Camino Ramon #305, San Ramon 94583
Mr. Brooks, 1175 Palomar Drive, Redwood City 94062
Supervisor Jerry Hill, Board of Supervisors
Supervisor Mark Church, Board of Supervisors
Supervisor Adrienne Tissier, Board of Supervisors
John L. Maltbie, County Manager
Michael Murphy, County Counsel

This item was continued to the meeting 11/6

The Board asked staff to:

- A) Report back on the effect of 9-1-1 services if the appeal is denied.**
- B) Revise the policy in regards to permit renewals**

Church/Tissier

REGULAR AGENDA

COUNTY MANAGER

10. County Manager's report:

The County Manager reported on Healthcare Reform.

BOARD OF SUPERVISORS

11. Board members' committee reports

CONSENT AGENDA

ASSESSOR-COUNTY CLERK-RECORDER

12. Resolution (069045):

AR 0553

- A) Waiving the Request for Proposal process and authorizing an agreement with Wright Information Technology Services, LLC for the provision of professional

and project management services for the term of October 2, 2007 through October 1, 2010, in an amount not to exceed \$717,600, no Net County Cost

- B) Authorizing the Assessor-County Clerk-Recorder or his designee to execute subsequent amendments and minor modifications, in an amount not to exceed \$25,000

BOARD OF SUPERVISORS

13. Ratification of a resolution **(2691)** honoring Frank and Theresa Hannig upon receiving the Distinguished Citizen Award from the Pacific Skyline Council of the Boy Scouts of America (Supervisor Adrienne Tissier)
14. Proclamation **(2692)** designating October 13 through 21, 2007 as Binational Health Week (Supervisor Rose Jacobs Gibson)
15. Proclamation **(2693)** designating October 7 through 13, 2007 as National Long-Term Care Residents' Rights Week (Supervisor Adrienne Tissier)
16. Ratification of a proclamation **(2694)** designating October 2007 as Filipino American History Month (Supervisor Adrienne Tissier)
17. Ratification of a proclamation **(2695)** designating September 20, 2007 as JobTrain Day (Supervisor Rose Jacobs Gibson)

The following two items were added to the agenda:

Proclamation **(2696)** designating October 5, 2007 as California Arts Day (Supervisor Jerry Hill)

Proclamation **(2697)** designating October 2007 as National Arts and Humanities Month (Supervisor Jerry Hill)

COUNTY COUNSEL

18. Grant the claim for refund by Norman Ross for the property located at 863 Kelmore Street, Moss Beach for the 1999 tax year, in the amount of \$3,410.17 plus interest

COUNTY MANAGER

19. Accept the response to the 2006-07 Grand Jury report: "Audit and Review of County Financial Statements"
20. Accept the response to the 2006-07 Grand Jury report: "San Mateo County Detention and Rehabilitation Facilities"

AR 0554

21. Adoption of an ordinance (**04396**) amending the Master Salary Ordinance for changes related to the FY 2007-08 budget, previously introduced on September 25, 2007 and waiver of reading the ordinance in its entirety

HEALTH

22. Resolution (**069046**) authorizing amendments to the agreements with Asian American Recovery Services, BAART Behavioral Health Services, Inc., Daytop Village, Inc., El Centro de Libertad, Free at Last, Project Ninety, Inc., Pyramid Alternatives, Service League of San Mateo County, Sitike Counseling Center, The Latino Commission, Walden House, Inc., Women's Recovery Association and Youth and Family Enrichment Services for the provision of Substance Abuse Crime Prevention Act (SACPA), SACPA Offender Treatment Program, Proposition 36 Alcohol and Drug Treatment services and SB223 Drug Testing services, increasing the amount by \$525,983 for FY 2007-08 to \$2,974,524, \$52,598 Net County Cost

HUMAN RESOURCES

23. Introduction of an ordinance amending the salary ordinance and accepting the report on the total number of positions in the County and waiver of reading the ordinance in its entirety

This item was continued to the meeting of October 16, 2007 for adoption.

INFORMATION SERVICES

24. A) Resolution (**069047**) authorizing:
 - 1) An agreement with Clerity Solutions, Inc. for the Criminal Justice Information Systems (CJIS) Migration Project for the term of October 2, 2007 through October 1, 2008, in an amount not to exceed \$3,729,267
 - 2) The Chief Information Officer or his designee to execute subsequent amendments and minor modifications, in an amount not to exceed \$25,000
- B) Resolution (**069048**) authorizing a transfer in the amount of \$4,272,267 to provide funding for the CJIS Migration Project

PUBLIC WORKS

25. Resolution (**069049**) waiving the Request for Proposal process and authorizing an agreement with Applied Management Engineering, Inc. to complete a comprehensive facilities evaluation for county owned facilities, including parks for the term of October 2, 2007 through February 28, 2008, in the amount of \$232,972

AR 0555

26. Resolution **(069050)** authorizing the Director of Public Works to execute an agreement with HydroScience Engineers, Inc. for the provision of engineering services to prepare a feasibility study for a sewer system and treatment facility in the community of Pescadero in an amount not to exceed \$154,228
27. Resolution waiving the Request for Proposal process and authorizing an agreement with PB Americas, Inc. for the provision of engineering services for the Crystal Springs Dam Bridge Replacement Project for the term of October 1, 2007 through December 31, 2012, in an amount not to exceed \$592,000

This item was continued to the meeting of October 16, 2007.

SHERIFF

28. Resolution **(069051)**:
 - A) Waiving the Request for Proposal (RFP) process and authorizing an agreement with MTG Management Consultants, LLC for the provision of a needs assessment and assist with the writing of a RFP and vendor selection process for a new Jail Management System for the term of September 1, 2007 through December 31, 2008, in an amount not to exceed \$165,980
 - B) Authorizing the Sheriff to execute subsequent amendments and minor modifications, in an amount not to exceed \$25,000

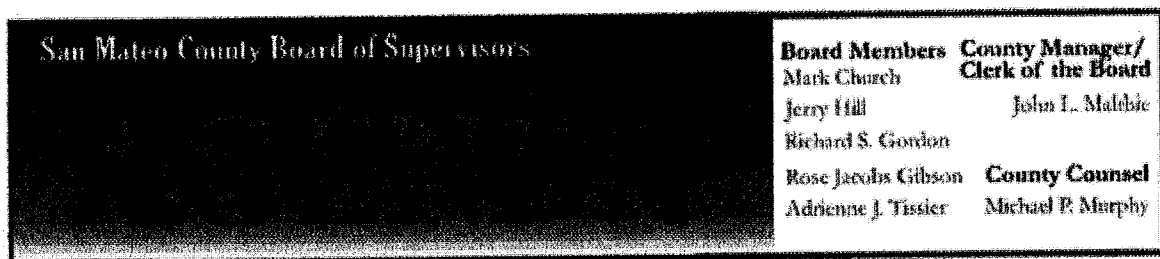
GOVERNING BOARD

CONSENT AGENDA

29. Acting as the Board of Commissioners of the Housing Authority of the County of San Mateo, adopt Resolution No. 639-C **(069052)** authorizing the Executive Director of the Housing Authority to implement the revised Utility Allowance Schedules for residents of its Public Housing developments and for participants in the Housing Choice Voucher Program

The meeting adjourned at 11:00 a.m. in memory of Barbara Ann Casey to reconvene on Tuesday, October 16, 2007 at 8:15 a.m. in Closed Session - Litigation and Personnel Matters, and thereafter for the regularly scheduled Board meeting.

AR 0556



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**PLEASE NOTE THERE WILL BE NO MEETING OF THE
BOARD OF SUPERVISORS ON DECEMBER 25, 2007 AND JANUARY 1, 2008**

A COPY OF THE BOARD OF SUPERVISORS AGENDA PACKET IS AVAILABLE FOR REVIEW AT THE LAW LIBRARY, 710 HAMILTON STREET @ MARSHALL STREET, ACROSS FROM THE HALL OF JUSTICE. THE LIBRARY IS OPEN MONDAY THROUGH THURSDAY 8 A.M. - 8 P.M., FRIDAY 8 A.M. - 5 P.M., SATURDAY 12 P.M. - 4 P.M. AND SUNDAY - CLOSED.

MEETINGS ARE ACCESSIBLE TO PEOPLE WITH DISABILITIES. INDIVIDUALS WHO NEED SPECIAL ASSISTANCE OR A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION (INCLUDING AUXILIARY AIDS OR SERVICES) TO PARTICIPATE IN THIS MEETING, OR WHO HAVE A DISABILITY AND WISH TO REQUEST AN ALTERNATIVE FORMAT FOR THE AGENDA, MEETING NOTICE, AGENDA PACKET OR OTHER WRITINGS THAT MAY BE DISTRIBUTED AT THE MEETING, SHOULD CONTACT ASHNITA NARAYAN, AGENDA ADMINISTRATOR AT LEAST 2 WORKING DAYS BEFORE THE MEETING AT (650) 363-4125 AND/OR axnarayan@co.sanmateo.ca.us. NOTIFICATION IN ADVANCE OF THE MEETING WILL ENABLE THE COUNTY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING AND THE MATERIALS RELATED TO IT. ATTENDEES TO THIS MEETING ARE REMINDED THAT OTHER ATTENDEES MAY BE SENSITIVE TO VARIOUS CHEMICAL BASED PRODUCTS.

If you wish to speak to the Board, please fill out a speaker's slip located on the table near the door. If you have anything that you wish distributed to the Board and included in the official record, please hand it to the Clerk of the Board who will distribute the information to the Board members and staff.

Tuesday, December 18, 2007

PLEDGE OF ALLEGIANCE

ROLL CALL

1. 8:15 a.m. CLOSED SESSION

A) Conference with Legal Counsel – Existing Litigation

Chaney v. County of San Mateo
WCAB case

AR 0557

County of San Mateo v. State Board of Equalization et al.
San Francisco Superior Court Case No. CGC 07-459514

B) Conference with Legal Counsel – Anticipated Litigation

*Significant exposure to litigation pursuant to subdivision (b) of
Government Code Section 54956.9*

Two cases

*Initiation of litigation pursuant to subdivision (c) of Government Code
Section 54956.9*

Two cases

2. 9:00 a.m. REGULAR AGENDA
CONSENT AGENDA
GOVERNING BOARD

All items on the consent agendas are approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda. Any item on the regular agenda may be transferred to the consent agenda.

3. 9:00 a.m. Presentation of the Employee of the Month for December 2007 to Dr. Alan Louie, Supervising Adult Psychiatrist, Health Department (County Manager)
Supporting Document

4. ORAL COMMUNICATIONS

If your subject is not on the agenda, the President will recognize you at this time. **Speakers are customarily limited to two minutes.** A speaker's slip is required.

MATTERS SET FOR SPECIFIED TIME

Times listed under this section are approximate. The Board makes every effort to adhere to the times listed, but in some cases, because of unexpected presentations, items may not be heard precisely at the time scheduled. In no case will any item be heard before the scheduled time.

5. 9:00 a.m. End of the Year Report to the Board of Supervisors (Supervisor Rose Jacobs Gibson)
6. 9:00 a.m. Presentation of resolutions honoring the 2007 Women in County

AR 0558

Government Award recipients: (Supervisor Jerry Hill)

- A) Sol Hafalia for Community Service
- B) Noris Larkin for Community Service
- C) Debora Anne McGlynn for Self-Development
- D) Lisa Farris for Public Service – Going the Extra Mile

- 7. 9:00 a.m. Who We Are and What We Do: Behavioral Health and Recovery Services (Supervisor Rose Jacobs Gibson)
- 8. 9:15 a.m. Hearing to consider a resolution authorizing a facility ground lease and agreement with Northstar Power to design, engineer, construct, operate and maintain a cogeneration system at the San Mateo County Health Campus and to purchase energy produced by the system (Public Works)
 - A) Report and recommendation
 - B) Close hearing
 - C) Adopt resolution
 - Supporting Document Board Memo
 - Supporting Document Resolution
 - Supporting Document Agreement
- 9. 9:30 a.m. Presentation on the Cañada College Strategic Plan by President Tom Mohr (Supervisor Rose Jacobs Gibson)
- 10. 9:45 a.m. Accept the report on San Mateo County's 2007 State Fair Exhibit (County Manager)
 - Supporting Document
- 11. 9:45 a.m. Resolution honoring Central Elementary School upon its recognition as a National Blue Ribbon School by the U.S. Department of Education (Supervisor Jerry Hill)
 - Supporting Document
- 12. 10:00 a.m. Hearing to consider an appeal for a use permit renewal to allow the continued operation of a cellular communications facility consisting of two 13 foot tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive, unincorporated Palomar Park (Applicant/Owner: Sprint Spectrum L.P., Curtis Brooks/Appellant: NSA Wireless, Sprint Spectrum L.P.) (Continued from the meeting of November 6, 2007) (Planning and Building)
 - A) Report and recommendation
 - B) Close hearing
 - C) Approve or deny appeal
 - Supporting Document Executive Summary

AR 0559

Supporting Document Board MemoSupporting Document Attachment

13. 10:15 a.m. Hearing to consider an appeal to amend existing Coastal Development and Resource Management District-Coastal Zone Permits, pursuant to Sections 6328.4 and 6903 of the County Zoning Regulations, modification of a Surface Mining Permit and Reclamation Plan pursuant to Section 7703 of the County Ordinance Code and certification of a Mitigated Negative Declaration to allow the minor expansion of Pilarcitos Quarry located at 11700 San Mateo Road, unincorporated Half Moon Bay area (Applicant: West Coast Aggregates, Richard DeAtley/Owners: Gloria Babuin and Laura Devincenzi/Appellant: Kevin Lansing). This project is appealable to the California Coastal Commission. (Planning and Building)
- A) Report and recommendation
 - B) Close hearing
 - C) Approve or deny appeal
- Supporting Document Executive Summary
Supporting Document Board Memo
Supporting Document Attachment
14. 10:30 a.m. In connection with the San Mateo County FY 2006-07 STARS Awards: (County Manager)
- A) Resolution approving the STARS Award recipients and honorable mentions
 - B) Presentation of resolutions honoring the STARS Award recipients
 - C) Resolution authorizing a transfer in the amount of \$56,500 to appropriate funds for the STARS Award (4/th vote required)
- Supporting Document
15. 10:45 a.m. Resolution approving a watershed protection outreach plan (Environmental Quality Committee: Supervisors Rich Gordon and Jerry Hill)
- Supporting Document Board Memo
Supporting Document Resolution
Supporting Document Attachment

A small rectangular button with the word "TOP" in white capital letters on a black background.**AR 0560**



COUNTY OF SAN MATEO

Inter-Departmental Correspondence

PLANNING AND BUILDING DEPARTMENT

DATE: December 3, 2007

BOARD MEETING DATE: December 18, 2007

SPECIAL NOTICE/HEARING: 10 days, within 300 feet

VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Lisa Grote, Director of Community Development

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Use Permit Renewal to allow the continued operation of a cellular communications facility consisting of two 13-foot tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. (Appeal by the permit holder from decision of the Planning Commission to grant the appeal from the decision of the Zoning Hearing Officer and deny the renewal of the use permit.)

RECOMMENDATION

Deny the appeal of Sprint Spectrum L.P. and uphold the Planning Commission's decision to revoke the use permit.

VISION ALIGNMENT

Commitment: The proposed action keeps the commitment of "*Responsive, Effective, and Collaborative Government*." The Planning Commission, in making its decision, heard a considerable amount of testimony from neighbors of the project, and after carefully weighing this testimony and the information contained in the record, concluded that this permit should be revoked. By upholding the Planning Commission's decision, the Board would be reinforcing this commitment.

Goal: The proposed action achieves Goal number 20: "*Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.*" In reaching its decision on this project, the Planning Commission considered the report

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prepared by the Planning Department staff. They also considered the public hearing testimony and information contained in the previous staff reports to the Zoning Hearing Officer (ZHO). After considering all of the information before them, the Commission determined that the permit holder (Sprint) had not complied with previous conditions of approval and had not shown that the current project location is the only site that could achieve its goal of adequate cell coverage in the area.

BACKGROUND

The permit holder (Sprint Spectrum L.P.) is proposing to renew their use permit for an existing wireless communications facility in the rear yard of an existing single-family residence at 1175 Palomar Drive. The system consists of two monopoles and one equipment cabinet enclosure. The cellular antennas are attached to the 13-foot tall monopoles located on the southeast and northwest sides of the parcel. The equipment cabinet is located in the rear portion of the yard, adjacent to an existing T-Mobile cellular facility. The total area of the cabinet enclosure is 270 sq. ft., and is surrounded by a 6-foot high metal fence with green plastic slats.

Planning Commission Action: On January 18, 2007, the ZHO conditionally approved the renewal of this use permit. Subsequent to that decision, an appeal was filed to the Planning Commission. On June 13, 2007, the Planning Commission voted 4-1 to grant the appeal and revoke the use permit. In doing so, the Commission adopted the recommended findings as presented by the Planning Department.

DISCUSSION

At the public hearing on October 4, 2007, the Board requested the permit holder, Sprint, to submit an alternative site study, the purpose of which is to determine if there are alternative locations in the vicinity that could provide similar coverage. The Board also directed staff to examine what impact removal of this site would have upon the E-911 network.

Sprint submitted a document that considered four different locations along the Edgewood Road corridor. No one site was identified as ideally suited to replace the existing Palomar Drive site. Moreover, Sprint did not provide evidence that they had approached the respective property owners as to their willingness to locate a cell site on their property. In subsequent discussions with Sprint's representative, NSA Wireless, it was established that other alternative sites in the area were not considered.

Regarding impacts to the E-911 network, removal of this cell site would not directly impact County emergency personnel since they rely primarily upon the County's radio network. However, it could affect, to varying degrees, anyone who uses Sprint as their cell phone provider, which could include County personnel.

FISCAL IMPACT

None.

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**COUNTY OF SAN MATEO****Inter-Departmental Correspondence****PLANNING AND BUILDING DEPARTMENT**

DATE: December 3, 2007
BOARD MEETING DATE: December 18, 2007
SPECIAL NOTICE/HEARING: 10 days, within 300 feet
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Lisa Grote, Director of Community Development

SUBJECT: Consideration of a Use Permit Renewal, pursuant to Section 6500 of the County Zoning Regulations, to allow the continued operation of a cellular communications facility consisting of two 13-foot tall monopoles and one equipment enclosure measuring 18 feet by 15 feet located in the rear yard of the residential property located at 1175 Palomar Drive in the unincorporated Palomar Park area of San Mateo County. (Appeal by the permit holder from decision of the Planning Commission to grant the appeal from the decision of the Zoning Hearing Officer and deny the renewal of the use permit.)

County File Number: PLN 2000-00497 (Sprint/Nextel)

RECOMMENDATION

Deny the appeal of Sprint Spectrum L.P. and uphold the Planning Commission's decision to deny the renewal of the use permit.

VISION ALIGNMENT

Commitment: The proposed action keeps the commitment of "*Responsive, Effective, and Collaborative Government*." The Planning Commission, in making its decision, heard a considerable amount of testimony from neighbors of the project, and after carefully weighing this testimony and the information contained in the record, concluded that this

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permit should not be renewed. By upholding the Planning Commission's decision, the Board would be reinforcing this commitment.

Goal: The proposed action achieves Goal number 20: *"Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain."* In reaching its decision on this project, the Planning Commission considered the report prepared by the Planning Department staff. They also considered the public hearing testimony and information contained in the previous staff reports to the Zoning Hearing Officer (ZHO). After considering all of the information before them, the Commission determined that the permit holder (Sprint) had not complied with previous conditions of approval and had not shown that the current project location is the only site that could achieve its goal of adequate cell coverage in the area.

BACKGROUND

Proposal: The permit holder (Sprint Spectrum L.P.) is proposing to renew its use permit for an existing wireless communications facility in the rear yard of an existing single-family residence at 1175 Palomar Drive. The system consists of two monopoles and one equipment cabinet enclosure. The cellular antennas are attached to the 13-foot tall monopoles located on the southeast and northwest sides of the parcel. The equipment cabinet is located in the rear portion of the yard, adjacent to an existing T-Mobile cellular facility. The total area of the cabinet enclosure is 270 sq. ft., and is surrounded by a 6-foot high metal fence with green plastic slats.

Report Prepared By: Michael Schaller, Senior Planner, Telephone 650/363-1849

Appellant: NSA Wireless (representing Sprint Spectrum L.P.)

Applicant/Owner: Sprint Spectrum L.P./Curtis Brooks

Location: 1175 Palomar Drive, Palomar Park

APN: 051-416-040

Size: 22,858 sq. ft.

Existing Zoning: R-1/S-101 (Single-Family Residential/20,000 sq. ft. minimum parcel size)

General Plan Designation: Low Density Residential (0.3 – 2.3 dwelling units per net acre)

Sphere-of-Influence: Redwood City

Existing Land Use: Single-Family Home and Other Wireless Communications Facilities

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Flood Zone: Zone C (Area of Minimal Flooding); Community Panel No. 060311-0250B,
Effective Date: July 5, 1984

Environmental Evaluation: Exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA), Section 15301, Class 1, relating to the continued operations of an existing utility.

Setting: The project site is located on the west side of the street and is accessible from Palomar Drive. The site is improved with a 1-story, single-family home and an existing T-Mobile cellular facility. The surrounding uses are single-family homes. The site is visible from Edgewood Road at Crestview, but the antennas and equipment compounds are painted to blend with the existing vegetation and are masked by both existing Monterey pine and similar trees located behind the existing facilities.

Chronology:

<u>Date</u>	<u>Action</u>
November 17, 2000	- Use permit for Sprint cell site approved.
December 7, 2006	- First ZHO public hearing to consider renewal of this use permit. Item continued to January 18, 2007, to allow sufficient time for the applicant to implement the approved landscaping plan that was previously required and for staff to confirm installation.
January 18, 2007	- ZHO conditionally approves renewal of Sprint use permit.
February 1, 2007	- Appeal to PC filed.
May 9, 2007	- First PC public hearing. PC directs staff to prepare findings for non-renewal.
May 23, 2007	- Second PC public hearing. PC discusses the proposed findings for non-renewal; however, the Commission is unable to adopt the findings due to lack of voting quorum (only three Commissioners were present and the vote was 2-1 for non-renewal).
June 13, 2007	- Third PC public hearing. PC adopts findings of non-renewal.
June 19, 2007	- Appeal to the Board of Supervisors filed.
October 4, 2007	- Board of Supervisors public hearing. Item continued to

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November 6, 2007.

- November 6, 2007 - Staff requests continuance to December 18, 2007.
- December 18, 2007 - Second Board of Supervisors public hearing.

DISCUSSION

A. BACKGROUND

At the Board's public hearing on October 4, 2007, the Board requested the permit holder, Sprint, to submit an alternative site study, the purpose of which is to determine if there are alternative locations in the vicinity that could provide similar coverage. The Board also directed staff to examine what impact removal of this site would have upon the E-911 network. These two items are addressed below.

B. ALTERNATIVE SITES STUDY

On October 10, 2007, Sprint submitted a document in response to this Board's request for a study, which is included as Attachment F of this report. The report begins by describing the existing facility: the sectors covered by each antenna and the average number of calls handled within that sector. The existing site covers three sectors:

Sector A covers an area to the northwest of the project site, from approximately Appian Way (in San Carlos) to Hassler Road (in the Pulgas Ridge Open Space Preserve). This sector handles an average of 264 calls per day with an average of 680 minutes of usage per day.

Sector B provides contiguous coverage from the PG&E tower at the top of Edgewood Road down to approximately Old Stage Road (entrance to Edgewood County Park). This sector handles an average of 203 calls daily with an average of 625 minutes of usage per day.

Sector C provides contiguous coverage along Edgewood Road to Cordilleras Road, and into Emerald Lake Hills. This sector handles an average of 2,215 calls daily with an average of 5,462 minutes of usage per day.

In addition, the report points out that this facility handles an average of four E-911 calls per month. The report then discusses four alternative locations:

1. The Mormon Church located at 1475 Edgewood (at corner of Scenic Drive/Edgewood). The site is approximately 500 feet below the existing facility and, according to Sprint, would not be viable for the total coverage that the existing facility currently provides. It would serve as a replacement to Sector C

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covering mobile traffic on Edgewood Road from Bennett Road to Crestview Court. According to Sprint, it has been their experience in the past that the Mormon Church is reluctant to negotiate with wireless telecommunications carriers for use of their facilities.

Staff's Analysis: The report does not indicate whether Sprint has actually approached the Mormon Church regarding location of a facility at this site. Therefore, there is no basis for ruling out this option at this time. While this site does not duplicate completely the coverage of the existing site, it does provide coverage that could be part of a suite of alternatives. Environmental impacts would be minimal: this is a developed site and would likely not require grading or vegetation removal to construct a facility. Additionally, Sprint already operates a cell facility at the Sequoia Hospital location which provides coverage to much of this area. Hence, the utility of this site as a replacement for the Palomar Drive site is unclear.

2. Cordilleras Mental Health Center at 200 Edmonds Road. Sprint has identified a penthouse structure on top of the Center, with an existing unused flagpole that could act as a replacement for Sector B of the existing Palomar Drive facility. Sprint does not believe that it would provide more than 25% of the coverage of Sector A that the present antenna provides. According to Sprint, Cal Fire employees have informed them that their landline phone service is periodically interrupted leaving them to rely on wireless phone service. They also stated that their two-way radios do not work in the Medical Building next door--again leaving them to rely on wireless phone service. The report states that Cal Fire employees would support a site at this location to enhance cellular service, but this would not provide more than 25% that the existing site currently covers. Development of a cell facility at this location would require the negotiation of a long-term lease with the County.

Staff's Analysis: Development of a facility on top of this building would have minimal environmental impacts. No grading or vegetation removal would be necessary to construct the facility. There are several locations within the County's jurisdiction where cell facilities have been placed on the roof of multi-residential structures (in particular, along Alameda de las Pulgas). Again, Sprint offers no evidence regarding whether it has approached the County regarding a lease at this location.

3. On top of the existing joint utility pole located at the rear of 1175 Palomar Drive. Antennas for both Sectors B and C could be mounted above the existing utilities and painted to match the wood utility pole and would provide the same or better coverage than the existing facility provides. This option would require an agreement with Pacific Gas & Electric and AT&T, but could potentially reduce one visual element of the site by removing the 13-foot monopole near the south property line.

Staff's Analysis: This option would simply move the visual impact of the southern monopole from ground level, where it is only readily visible to the

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adjacent property owner, to the top of a 25-foot tall pole where it would be visible to more people. It would not address the concerns of the adjacent neighbors, nor would it remove this cell facility from the residentially zoned parcel, which is the desire of the Board of Supervisors.

4. The Clifford K-8 School located at Scenic Drive. This is a single-story building located at approximately the same elevation as Edgewood Road. According to the report, a potential wireless site at the existing building height is not feasible. Because of the existing topography, Sprint would need to elevate the antennas significantly with a light pole or other tower structure to provide 25% of the coverage of Sector A. The school would not be viable as a candidate for Sector B.

Staff's Analysis: No information was submitted to indicate whether Sprint had contacted the Clifford School regarding their willingness to locate a cell facility on the school grounds. As with the other options, with no evidence to confirm whether the various property owners would even entertain a cell facility on their property, there is no way to tell if these are viable alternatives.

On November 1, 2007, staff requested additional information to clarify what had been submitted and address questions that had arisen during staff's analysis. Both staff's questions and Sprint's responses are included as Attachment G. There are three points that staff wishes to point out in this second piece of correspondence:

1. Sprint acknowledges that the coverage maps only show the Sprint network. So while there may be areas where a Sprint signal is weak or non-existent, that does not mean that a Sprint customer could not complete an emergency call through another carrier's network.
2. The potential to place a site at the Cal Water tank above Big Canyon Park in San Carlos was not analyzed. It would appear that this location could provide coverage along I-280 and Crestview Drive and serve as a substitute for the Sector A antenna.
3. Alternative locations within the Hetch Hetchy pipeline property were not explored.

As with the initial October 10, 2007 report, the appellant has failed to adequately examine and analyze alternative locations, either suggested by staff or in their own reports. Neither did the appellant submit evidence that they explored what appear to be viable alternatives, even if no single alternative location provides the same spectrum of coverage that the existing site provides. Thus, the preponderance of the evidence does not show that Sprint would be unable to provide coverage in the absence of the existing site.

C. IMPACT TO 9-1-1 NETWORK

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County employees, as emergency responders, use the County maintained radio network and are not exclusively reliant upon cell phones for communications. Removal of this site (and assuming it was not replaced by alternate site(s)) would result in a reduction in coverage for the Sprint network. This of course would affect Sprint subscribers, which could affect County personnel, both first responders and regular employees. That is not to say that there would be a complete lack of coverage. Depending upon a user's specific location at a given point in time, they likely could get a weaker signal from another Sprint antenna in the area. Alternately, there are other carriers operating in this geographic area. A customer of the Sprint network could still place a call through another company's network.

D. CURRENT AND PENDING PERMITS

The project parcel is 22,858 sq. ft. in size and contains a 2,330 sq. ft. house. The rear portion of the parcel contains numerous mature trees, with additional trees recently planted to comply with previous conditions of approval. The Sprint facility (the permit before the Board) was initially approved on November 17, 2000. Adjacent to the Sprint facility is a similar facility owned by T-Mobile, the permit for which was renewed in 2002 (see Attachment D for location of these two facilities on the parcel). Additionally, there are two permit applications currently being processed by the Planning Department to construct two more cell facilities on this parcel.

E. KEY ISSUES OF THE APPEAL

(The following information is from the staff report submitted for your consideration at the October 2, 2007 public hearing.)

NSA Wireless represents Sprint Spectrum and is the appellant. The following is a summation of the key issues in the appeal letter (see Attachment B), followed by staff's response:

1. **"I wish the decision of the Planning Commission reversed because the Commission had recommendations from the Planning Department before it which upheld all requirements of approval for the renewal of an existing use permit. This permit allowed Sprint PCS to build and operate a very critical cellular communications facility on property located at 1175 Palomar Drive, Redwood City. This location had an existing PacBell/Cingular/AT&T facility already, and Sprint showed the necessity of using this location to provide service to an area where service was poor or non-existent."**

Response: In revoking this use permit, the PC made the following two findings:

- a. **That the appellant had failed to comply in a timely manner with conditions of approval established in 2000. Specifically, the appellant failed to install required landscaping and relocation of a misplaced pole prior to expiration of the original use permit. The applicant also**

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failed to submit a request for permit renewal prior to the expiration date of the original permit.

In the staff report to the PC, staff had recommended denial of the neighbor's appeal and upholding of the ZHO's decision to renew the use permit. In the first report to the Commission, staff acknowledged that the appellant (Sprint) had failed to comply with previous conditions of approval for this permit in a timely manner. The landscaping was only planted after the ZHO withheld renewal of the permit pending its installation. The pole in question was finally moved to the correct location on April 12, 2007, approximately six years after Sprint was informed that they had placed the pole in the wrong location. The request for renewal was not submitted until February 23, 2006; over three months after the permit had expired. The PC felt that Sprint's poor track record in complying with previous conditions of approval was grounds for revocation of the use permit.

- b. That the appellant failed to show that alternative sites or a combination of sites could not achieve the same results as this site in question because inadequate evidence was submitted to support the conclusion that this cell site is necessary for the public's health, safety, convenience, or welfare.**

Sprint did not provide evidence to the PC or to staff that alternative sites in the project vicinity were considered, even if more than one site would be required to achieve the same level of coverage. What was presented to the PC were coverage maps showing how this site filled in a hole in Sprint's cellular coverage for this area. Without an alternative analysis, the PC felt that there was insufficient evidence to support the claim that this cellular facility, at this location, is necessary for the public's health, safety, convenience, or welfare.

Since the PC's decision, no new evidence has been submitted by Sprint that would negate the Commission's findings for permit revocation. Lacking additional or new evidence to support an alternative finding, staff recommends that the Board deny the appeal and revoke the use permit.

F. ALTERNATIVE

Grant the appeal and overturn the decision of the PC by adopting the required findings and conditions of approval contained in Attachment E. This action would result in the renewal of the use permit. Below is the background information and required findings for renewing the use permit.

G. COMPLIANCE WITH CONDITIONS OF THE LAST APPROVAL

The conditions from the approval of the use permit in 2000 are assessed below with regard to compliance, and whether the conditions should either be retained or

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revised. Staff recommends that some conditions, as indicated, be removed in instances where the condition: (1) has been complied with, and/or (2) is no longer deemed feasible or necessary.

Planning Department

1. This approval applies only to the proposal as described in this report and plans and documents submitted to the Planning Department on July 14, 2000. Minor adjustments to the project in the course of applying for building permits may be approved by the Community Development Director if they are consistent with the intent of and in substantial conformance with this approval.

Compliance with Condition? No. One of the two antenna poles was initially constructed approximately 4 feet from the approved location and was outside the property line. However, on April 12, 2007, the Planning Department approved a revision to the applicant's still open building permit to move the pole in question to its approved location. In addition, at the time of the December 7, 2006 ZHO hearing, the applicant had not implemented the landscape plan approved as part of this cell site's building permit on May 14, 2004. The ZHO continued this item subject to installation of the landscaping, which was completed by the applicant during the week of December 25, 2006.

Recommend to Retain Condition? Yes.

2. The applicant shall obtain a building permit and develop in accordance with the approved plans.

Compliance with Condition? No. A building permit was issued and, as of the writing of this staff report, has not been finalized for the cell facility.

Recommend to Retain Condition? Yes, but modified as follows: The applicant shall complete all aspects of the building permit within four (4) months of use permit renewal.

3. This use permit shall be valid for a 5-year period and shall expire on November 2, 2005. The applicant shall file for a renewal of this permit six months prior to the expiration with the County Planning and Building Department, if continuation of this use is desired.

Compliance with Condition? No. The renewal application was only submitted on February 23, 2006, after a third and final renewal notice was sent extending the deadline to February 27, 2006.

Recommend to Retain Condition? Yes, but modified to: This use permit shall be valid for a 10-year period and shall expire on December 18, 2017. The applicant shall file for a renewal of this permit six months prior to the expiration

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with the County Planning and Building Department, if continuation of this use is desired. Any modifications to this facility will require a use permit amendment. If an amendment is requested, the applicant shall submit the necessary documents and fees for consideration at a public hearing.

State legislation recently signed into law by the Governor has now extended the life span of all use permits for cellular facilities to 10 years. This condition has been modified to reflect that change in State law.

4. The monopoles, antennas, and fencing shall be painted the same "enviro-green" color as the existing Pacific Bell equipment cabinet. A color sample shall be submitted to the Planning Counter prior to building permit issuance. The applicant shall include file/case number with all color samples. Color verification by a building inspector shall occur in the field after the applicant has painted the equipment an approved color, but before the applicant schedules a final inspection.

Compliance with Condition? Yes. The monopoles are the same color as the existing T-Mobile (previously Pacific Bell) enclosure but both seem to have faded.

Recommend to Retain Condition? Yes, but modified to: The monopoles and antennas shall be repainted in the originally approved and painted color, "enviro-green." Metal fencing with green plastic slats shall be maintained in good condition. Any proposed change to the color shall be reviewed and approved by the Planning Department prior to painting. Any new color proposed shall blend with the character of the site and the vegetation in the vicinity.

5. Construction hours shall be Monday through Friday 7:00 a.m. to 6:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., and no construction will be allowed on Sundays or national holidays.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. The building permit is still in an "issued" status and has not been finalized.

6. Noise levels produced by the proposed construction activity shall not exceed 80-dBA level at any one moment.

Compliance with Condition? Yes.

Recommend to Retain Condition? Yes. The building permit is still in an "issued" status and has not been finalized.

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